



2016/0288(COD)

17.3.2017

AMENDMENTS

296 - 582

Draft report
Pilar del Castillo Vera
(PE601.017v01-00)

European Electronic Communications Code (Recast)

Proposal for a directive
(COM(2016)0590 – C8-0379/2016 – 2016/0288(COD))

PR_COD_1recastingam

Amendment 296
Morten Helveg Petersen

Proposal for a directive
Article 1 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The aim of this Directive is on the one hand to implement an internal market in electronic communications networks and services that will result in deployment and take-up of very high capacity networks, sustainable competition, interoperability of electronic communications services and end-user benefits.

Amendment

The aim of this Directive is on the one hand to implement an internal market in electronic communications networks and services that will result in deployment and take-up of very high capacity ***secured*** networks, sustainable competition, interoperability of electronic communications services, ***accessibility*** and end-user benefits.

Or. en

Amendment 297
Morten Helveg Petersen

Proposal for a directive
Article 1 – paragraph 3 – indent 1

Text proposed by the Commission

- obligations imposed by national law in accordance with Union law or by Union law in respect of services provided using electronic communications networks and services ; - measures taken at Union or national level, in compliance with Union law, to pursue general interest objectives, in particular relating to ***content regulation and audio-visual policy. - the provisions of Directive 2014/53/EU.***

Amendment

- obligations imposed by national law in accordance with Union law or by Union law in respect of services provided using electronic communications networks and services ; - measures taken at Union or national level, in compliance with Union law, to pursue general interest objectives, in particular relating to ***the protection of personal data and privacy, content regulation and audio-visual policy***

Or. en

Amendment 298
Michel Reimon
on behalf of the Verts/ALE Group
Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘electronic communications network’ means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed;

Amendment

(1) ‘electronic communications network’ means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed; ***it does not include network elements managed by individuals in the context of not-for-profit activities;***

Or. en

Justification

Individuals participating in a not-for-profit network (such as radio local area networks) or providing not-for-profit services shall not be subject to the obligations imposed on legal persons providing networks or services. Specifically, the strict obligations provided by the Directive 2002/58/CE would be disproportionate and impracticable if imposed on individual volunteers, who should only be subject to the obligations set by the General Data Protection Regulation.

Amendment 299

Evžen Tošenovský

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘very high capacity network’ means an electronic communications network which either consists wholly ***of optical fibre elements at least up to the***

Amendment

(2) ‘very high capacity network’ means an ***publicly available*** electronic communications network which either

distribution point at the serving location or which is capable of delivering under usual peak-time conditions similar network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

consists wholly *or partially* of optical fibre elements.

Or. en

Amendment 300

Michał Boni, Jerzy Buzek, Gunnar Hökmark

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location or which is capable of delivering under usual peak-time conditions similar network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance *can be considered similar regardless of whether* the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Amendment

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location or *any other type of network* which is capable of delivering under usual peak-time conditions similar network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. *Very high capacity networks are in any case fibre to the home networks or any other network which provides the technical performance requirements needed for the backhaul of 5G networks. Network performance will be assessed solely on the basis of technical parameters and not take into account* the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Justification

The overarching objective of the Code is to stimulate the roll-out of networks which can serve the future demands of European businesses and citizens. The term very high capacity network seeks to define what future state of the art electronic communications infrastructure look like. It is suggested to clarify the definition in a way that ensures that very high capacity networks benefit the roll-out of 5G networks in the sense that they provide the backhaul for these mobile networks. Future 5G ultra-dense and heavy traffic cells have to be connected to a backhaul with very high requirements in terms of capacity, latency, and availability. The proposal also takes into account the need to ensure technology neutrality since the definition of very high capacity network is not based on any given technology.

Amendment 301

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location or which is capable of delivering under usual peak-time conditions *similar* network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered *similar* regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Amendment

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location *corresponding in the fixed-line connection case to the premises and in the mobile connection case to the base station*, or which is capable of delivering under usual peak-time conditions *at least the same* network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered *at least the same* regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Justification

Clarification included from the respective Recital 13. Moreover, strengthening the performance benchmark while lifting its upper limit. This clarifies that – independent of the used technology – better performing infrastructures would also be considered ‘very high capacity’.

Amendment 302

David Borrelli, Dario Tamburrano

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network ***which either consists*** wholly of optical fibre elements at least up to the distribution point at the serving location or which is capable of delivering under usual peak-time conditions similar network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. ***Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.***

Amendment

(2) 'very high capacity network' means an electronic communications network ***consisting*** wholly of optical fibre elements at least up to the distribution point at the serving location, ***corresponding in the fixed-line connection case to the premises and in the mobile connection case to the base station,*** or which is capable of delivering under usual peak-time conditions similar network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation.

Or. en

Justification

To clarify the "very high capacity network" definition in light of the technology landscape.

Amendment 303

Werner Langen, Sabine Verheyen, Norbert Lins

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

2) „Netz mit sehr hoher Kapazität“: ein elektronisches Kommunikationsnetz, das entweder komplett aus Glasfaserkomponenten zumindest bis zum Verteilerpunkt am Ort der Nutzung besteht, oder das zu üblichen Spitzenlastzeiten eine **ähnliche Netzleistung** in Bezug auf die verfügbare Down- und Uplink-Bandbreite, **Störfestigkeit, Fehlerparameter, Latenz und Latenzschwankung** bieten kann. Die Netzleistung **kann als vergleichbar gelten**, unabhängig davon, ob der Endnutzer Schwankungen feststellt, die auf die verschiedenen inhärenten Merkmale des Mediums zurückzuführen sind, über das das Netz letztlich mit dem Netzabschlusspunkt verbunden ist.

2) „Netz mit sehr hoher Kapazität“: ein elektronisches Kommunikationsnetz, das entweder komplett aus Glasfaserkomponenten zumindest bis zum Verteilerpunkt am Ort der Nutzung besteht, oder das zu üblichen Spitzenlastzeiten eine **Netzleistung von Minimum 250 Mbit/s** in Bezug auf die verfügbare Down- und Uplink-Bandbreite, **aufrüstbar auf symmetrische 1 Gbit/s, mindestens 99,99% Zuverlässigkeit und Latenz von 5ms oder weniger** bieten kann. Die Netzleistung **soll beim Endkunden gemessen und bewertet werden**, unabhängig davon, ob der Endnutzer Schwankungen feststellt, die auf die verschiedenen inhärenten Merkmale des Mediums zurückzuführen sind, über das das Netz letztlich mit dem Netzabschlusspunkt verbunden ist.

Or. de

Amendment 304

Gunnar Hökmark, Michał Boni, Krišjānis Kariņš, Bendt Bendtsen

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location or which is capable of delivering under usual peak-time conditions **similar** network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance **can be considered similar** regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Amendment

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location or **any network** which is capable of delivering under usual peak-time conditions **at least equally consistent and reliable** network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance **shall be assessed on the basis of technical parameters**, regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by

which the network ultimately connects with the network termination point.

Or. en

Justification

The aim of the EECC is to incentivise the roll-out of infrastructure capable of delivering the speeds necessary to accelerate the transition to a 5G society. Thus, the definition must, while taking into account future technological developments, thereby maintaining the technology neutrality principle, strictly be limited to include only state of the art infrastructure.

Amendment 305

Kaja Kallas

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which ***either consists wholly of optical fibre elements at least up to the distribution point at the serving location or which*** is capable of delivering under usual peak-time conditions ***similar*** network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance ***can be considered similar regardless of whether the*** end-user experience ***varies*** due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Amendment

(2) 'very high capacity network' means an electronic communications network which is capable of delivering under usual peak-time conditions network performance, in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation, ***meeting the needs of the most demanding, digitally intensive end-users, and in particular a network consisting of optical elements at least up to the distribution point at the serving location.*** Network performance ***should be assessed without regard to variations in*** end-user experience due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 306

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means **an** electronic communications network which **either** consists wholly of optical fibre elements **at least up to the distribution point at the serving location or which is capable of delivering under usual peak-time conditions similar network performance** in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Amendment

(2) 'very high capacity network' means **high speed** electronic communications network which consists wholly **or partly** of optical fibre elements **with sufficient capacity to allow unconstrained use of the** network in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Or. en

Amendment 307

Kathleen Van Brempt

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements **at least up to the distribution point at the serving location or** which is capable of delivering under usual peak-time conditions similar network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the

Amendment

(2) 'very high capacity network' means an electronic communications network which either consists wholly **or partly** of optical fibre elements **and/or** which is capable of delivering under usual peak-time conditions similar network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately

medium by which the network ultimately connects with the network termination point.

connects with the network termination point.

Or. en

Amendment 308

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Theresa Griffin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location or which is capable of delivering under usual peak-time conditions *similar* network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Amendment

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location or which is capable of delivering under usual peak-time conditions *at least the same* network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Or. en

Justification

The word 'similar' is too subjective. We should ensure consistency with our objectives.

Amendment 309

Martina Werner

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

2) „Netz mit sehr hoher Kapazität“: ein elektronisches Kommunikationsnetz, das entweder komplett aus Glasfaserkomponenten zumindest bis zum Verteilerpunkt am Ort der Nutzung besteht, oder das zu üblichen Spitzenlastzeiten **eine ähnliche** Netzleistung in Bezug auf die verfügbare Down- und Uplink-Bandbreite, Störfestigkeit, Fehlerparameter, Latenz und Latenzschwankung bieten kann. Die Netzleistung kann als vergleichbar gelten, unabhängig davon, ob der Endnutzer Schwankungen feststellt, die auf die verschiedenen inhärenten Merkmale des Mediums zurückzuführen sind, über das das Netz letztlich mit dem Netzabschlusspunkt verbunden ist.

2) „Netz mit sehr hoher Kapazität“: ein elektronisches Kommunikationsnetz, das entweder komplett aus Glasfaserkomponenten zumindest bis zum Verteilerpunkt am Ort der Nutzung besteht, oder das zu üblichen Spitzenlastzeiten **mindestens die gleiche** Netzleistung in Bezug auf die verfügbare Down- und Uplink-Bandbreite, Störfestigkeit, Fehlerparameter, Latenz und Latenzschwankung bieten kann. Die Netzleistung kann als vergleichbar gelten, unabhängig davon, ob der Endnutzer Schwankungen feststellt, die auf die verschiedenen inhärenten Merkmale des Mediums zurückzuführen sind, über das das Netz letztlich mit dem Netzabschlusspunkt verbunden ist.

Or. de

Amendment 310 **Henna Virkkunen**

Proposal for a directive **Article 2 – paragraph 1 – point 2**

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements **at least up to the distribution point at the serving location** or which is capable of delivering under usual peak-time conditions **similar network performance** in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Amendment

(2) 'very high capacity network' means an electronic communications network which either consists wholly **or partly** of optical fibre elements **and** which is capable of delivering under usual peak-time conditions **high-performing broadband access services** in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Or. en

Amendment 311

Eva Kaili

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location or which is capable of delivering under usual peak-time conditions **similar** network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Amendment

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the distribution point at the serving location or which is capable of delivering under usual peak-time conditions **at least the same** network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Or. en

Amendment 312

Edouard Martin

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the **distribution point at the serving location** or which is capable of delivering under usual peak-time conditions similar network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be

Amendment

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the **premises** or which is capable of delivering under usual peak-time conditions **at least** similar network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether

considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Or. en

Amendment 313

Anne Sander, Françoise Grossetête

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the ***distribution point at the serving location*** or which is capable of delivering under usual peak-time conditions ***similar*** network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Amendment

(2) 'very high capacity network' means an electronic communications network which either consists wholly of optical fibre elements at least up to the ***premises*** or which is capable of delivering under usual peak-time conditions ***at least the same*** network performance in terms of available down- and uplink bandwidth, resilience, error-related parameters, and latency and its variation. Network performance can be considered similar regardless of whether the end-user experience varies due to the inherently different characteristics of the medium by which the network ultimately connects with the network termination point.

Or. en

Amendment 314

Herbert Reul, Markus Pieper, Angelika Niebler

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

2) „Netz mit sehr hoher Kapazität“:
ein elektronisches Kommunikationsnetz,

PE601.017v01-00

Amendment

2) „Netz mit sehr hoher Kapazität“:
ein elektronisches Kommunikationsnetz,

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das **entweder komplett aus Glasfaserkomponenten zumindest** bis zum Verteilerpunkt am Ort der Nutzung besteht, oder das zu üblichen Spitzenlastzeiten **eine ähnliche** Netzleistung in Bezug auf die verfügbare Down- und Uplink-Bandbreite, Störfestigkeit, Fehlerparameter, Latenz und Latenzschwankung bieten kann. Die Netzleistung kann als vergleichbar gelten, unabhängig davon, ob der Endnutzer Schwankungen feststellt, die auf die verschiedenen inhärenten Merkmale des Mediums zurückzuführen sind, über das das Netz letztlich mit dem Netzabschlusspunkt verbunden ist.

das bis zum Verteilerpunkt am Ort der Nutzung **komplett aus Glasfaserkomponenten** besteht, oder das zu üblichen Spitzenlastzeiten **mindestens die gleiche** Netzleistung in Bezug auf die verfügbare Down- und Uplink-Bandbreite, Störfestigkeit, Fehlerparameter, Latenz und Latenzschwankung bieten kann. Die Netzleistung kann als vergleichbar gelten, unabhängig davon, ob der Endnutzer Schwankungen feststellt, die auf die verschiedenen inhärenten Merkmale des Mediums zurückzuführen sind, über das das Netz letztlich mit dem Netzabschlusspunkt verbunden ist.

Or. de

Justification

Die Definition von "Netzen mit sehr hoher Kapazität" sollte sich an der auf dem Markt genutzten State-of-the-Art Technologie orientieren, welche zum aktuellen Zeitpunkt durch Glasfaserleitungen gegeben ist. Um den Ansatz der Technologieneutralität gerecht zu werden, werden alle Technologien, welche mindestens das gleiche Leistungsvermögen wie Glasfaser aufweisen könne, ebenfalls in die Definition einbezogen.

Amendment 315

Anne Sander, Françoise Grossetête

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'electronic communications service' means a service normally provided for remuneration via electronic communications networks, which encompasses 'internet access service' as defined in Article 2(2) of Regulation (EU) 2015/2120; and/or 'interpersonal communications service'; and/or services consisting wholly or mainly in the conveyance of signals such as transmission services used for the provision of machine-to-machine services and for broadcasting, but excludes services providing, or exercising editorial control over, content

Amendment

(4) 'electronic communications service' means a service normally provided for remuneration via electronic communications networks, which encompasses 'internet access service' as defined in Article 2(2) of Regulation (EU) 2015/2120; and/or 'interpersonal communications service'; and/or services consisting wholly or mainly in the conveyance of signals such as transmission services used for the provision of machine-to-machine services and for broadcasting, but excludes ***interpersonal communication services as defined in paragraph (5) of the present Article, information society***

transmitted using electronic
communications networks and services;

*services, as defined in Article 1 of
Directive 98/34/EC and services
providing, or exercising editorial control
over, content transmitted using electronic
communications networks and services;*

Or. en

Justification

To ensure legal certainty and a level playing field between providers of "electronic communications service," the aim of this amendment is to clarify that the scope of the third category of Electronic Communications Services "consisting wholly or mainly in the conveyance of signal" only concerns pure transmission services, excluding services which qualify as Interpersonal Communication Services or as Information Society Services notably subject to the e-commerce directive.

Amendment 316

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'electronic communications service' means a service ***normally*** provided for remuneration via electronic communications networks, which encompasses 'internet access service' as defined in Article 2(2) of Regulation (EU) 2015/2120; and/or 'interpersonal communications service'; and/or services consisting wholly or mainly in the conveyance of signals such as transmission services used for the provision of machine-to-machine services and for broadcasting, but excludes services providing, or exercising editorial control over, content transmitted using electronic communications networks and services;

Amendment

(4) 'electronic communications service' means a service provided for remuneration via electronic communications networks, which encompasses 'internet access service' as defined in Article 2(2) of Regulation (EU) 2015/2120; and/or 'interpersonal communications service'; and/or services consisting wholly or mainly in the conveyance of signals such as transmission services used for the provision of machine-to-machine services and for broadcasting, but excludes services providing, or exercising editorial control over, content transmitted using electronic communications networks and services ***as well as not-for-profit-services provided by individuals;***

Or. en

Justification

Individuals participating in a not-for-profit network (such as radio local area networks) or providing not-for-profit services shall not be subject to the obligations imposed on legal persons providing networks or services. Specifically, the strict obligations provided by the Directive 2002/58/CE would be disproportionate and impracticable if imposed on individual volunteers, who should only be subject to the obligations set by the General Data Protection Regulation.

Amendment 317

Evžen Tošenovský

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'electronic communications service' means a service normally provided for remuneration via electronic communications networks, which encompasses 'internet access service' as defined in Article 2(2) of Regulation (EU) 2015/2120; and/or 'interpersonal communications service'; and/or services consisting wholly *or mainly* in the conveyance of signals such as transmission *services* used for the provision of machine-to-machine services and for broadcasting, but excludes services providing, or exercising editorial control over, content transmitted using electronic communications networks and services;

Amendment

(4) 'electronic communications service' means a ***publicly available*** service normally provided for remuneration via electronic communications networks, which encompasses 'internet access service' as defined in Article 2(2) of Regulation (EU) 2015/2120; and/or 'interpersonal communications service'; and/or services consisting wholly in the conveyance of signals such as transmission ***of signals*** used for the provision of machine-to-machine services and for broadcasting, but excludes services providing, or exercising editorial control over, content transmitted using electronic communications networks and services;

Or. en

Amendment 318

Kaja Kallas

Proposal for a directive

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'interpersonal communications service' means a service normally provided for remuneration ***that enables*** direct

Amendment

(5) 'interpersonal communications service' means a service normally provided for remuneration ***where the principal***

interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s); ***it does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service;***

purpose of the service is devoted to enabling direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s);

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 319

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'interpersonal communications service' means ***a*** service normally provided for remuneration that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s); it does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service;

Amendment

(5) 'interpersonal communications service' means ***an electronic communications*** service ***whose primary purpose is to enable*** normally provided for remuneration that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s); it does not include services which enable interpersonal and interactive communication merely as ***an*** a minor ancillary feature that is intrinsically linked to another service;

Or. en

Amendment 320

Evžen Tošenovský

Proposal for a directive
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'interpersonal communications service' means **a** service normally provided for **remuneration** that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s); it does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service;

Amendment

(5) 'interpersonal communications service' means **an electronic communications** service normally provided for **remunerations** that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s); it does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service;

Or. en

Amendment 321
Michel Reimon
on behalf of the Verts/ALE Group
Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) 'interpersonal communications service' means a service **normally** provided for remuneration that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s); it does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service;

Amendment

(5) 'interpersonal communications service' means a service provided for remuneration that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s); it does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service;

Amendment 322

Kaja Kallas

Proposal for a directive

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘number-based interpersonal communications service’ means an interpersonal communications service which connects with the public switched telephone network, either by means of assigned numbering resources, i.e. a number or numbers in national or international telephone numbering plans, or by enabling communication with a number or numbers in national or international telephone numbering plans;

Amendment

(6) ‘number-based interpersonal communications service’ means an interpersonal communications service which connects with the public switched telephone network, either by means of assigned numbering resources, i.e. a number or numbers in national or international telephone numbering plans, or by enabling communication with a number or numbers in national or international telephone numbering plans, **and where the provider of the service has substantial control over the network used for enabling the communication** ;

Or. en

Justification

There is a need to differentiate between services delivered over their own infrastructure and therefore can control the quality of the service and services which do not have such a control. In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 323

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘number-based interpersonal communications service’ means an interpersonal communications service **which connects with the public switched telephone network, either** by means of **assigned numbering resources, i.e. a**
PE601.017v01-00

Amendment

(6) ‘number-based interpersonal communications service’ means an interpersonal communications service **for receiving communications** by means of **an assignment of a number in the national telephone numbering plan, or for**

number *or numbers in national or international* telephone numbering *plans, or by enabling communication with* a number or numbers in national or international telephone numbering plans;

originating communications to a number or numbers in national or international telephone numbering plans;

Or. en

Amendment 324
Kaja Kallas

Proposal for a directive
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) 'number-independent interpersonal communications service' means an interpersonal communications service which does not connect with the public switched telephone network, either by means of assigned numbering resources, i.e. a number or numbers in national or international telephone numbering plans, or by enabling communication with a number or numbers in national or international telephone numbering plans;

Amendment

(7) 'number-independent interpersonal communications service' means an interpersonal communications service which does not connect with the public switched telephone network, either by means of assigned numbering resources, i.e. a number or numbers in national or international telephone numbering plans, or by enabling communication with a number or numbers in national or international telephone numbering plans *or where a number-based interpersonal communication service provider does not have substantial control over the network used for enabling the communication;*

Or. en

Justification

There is a need to differentiate between services delivered over their own infrastructure and therefore can control the quality of the service and services which do not have such a control. In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 325
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) 'number-independent interpersonal communications service' means an interpersonal communications service which does not connect with the public switched telephone network, either by means of assigned numbering resources, i.e. a number or numbers in ***national or international*** telephone numbering ***plans***, or by enabling communication with a number or numbers in national or international telephone numbering plans;

Amendment

(7) 'number-independent interpersonal communications service' means an interpersonal communications service which does not connect with the public switched telephone network, either by means of assigned numbering resources, i.e. a number or numbers in ***the national*** telephone numbering ***plan***, or by enabling communication with a number or numbers in national or international telephone numbering plans; ***it does not include information society services that allow interpersonal and interactive communication as a secondary feature;***

Or. en

Amendment 326
Evžen Tošenovský

Proposal for a directive
Article 2 – paragraph 1 – point 11

Text proposed by the Commission

(11) 'associated services' means those services associated with an electronic communications network and/or an electronic communications service which enable and/or support the provision of services, ***self-provision or automated-provision*** via that network and/or service or have the potential to do so and include, inter alia, number translation or systems offering equivalent functionality, conditional access systems and electronic programme guides, ***voice command, multi-language or language translation*** as well as other services such as identity, location and presence service;

Amendment

(11) 'associated services' means those services associated with an electronic communications network and/or an electronic communications service which enable and/or support the provision of services via that network and/or service or have the potential to do so and include, inter alia, number translation or systems offering equivalent functionality, conditional access systems and electronic programme guides, as well as other services such as identity, location and presence service;

Or. en

Amendment 327
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

PE601.017v01-00

22/159

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Proposal for a directive
Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

Amendment

(15 a) 'subscriber' means any person or legal entity who or which is party to a contract with the provider of publicly available electronic communications services for the supply of such services;

Or. en

Amendment 328
Michel Reimon
on behalf of the Verts/ALE Group
Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive
Article 2 – paragraph 1 – point 20

Text proposed by the Commission

Amendment

(20) 'harmful interference' means interference which endangers the functioning of a radio navigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable international, Union or national regulations;

(20) 'harmful interference' means interference which endangers the functioning of a radio navigation service or of other safety **and mission-critical** services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable international, Union or national regulations;

Or. en

Amendment 329
Françoise Grossetête, Anne Sander

Proposal for a directive
Article 2 – paragraph 1 – point 20

Text proposed by the Commission

Amendment

(20) 'harmful interference' means interference which endangers the

(20) 'harmful interference' means interference which endangers the

functioning of a radio navigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable international, Union or national regulations;

functioning of a radio navigation service or of other safety **and mission-critical** services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable international, Union or national regulations;

Or. en

Amendment 330

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Martina Werner

Proposal for a directive

Article 2 – paragraph 1 – point 20

Text proposed by the Commission

(20) ‘harmful interference’ means interference which endangers the functioning of a radio navigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable international, Union or national regulations;

Amendment

(20) ‘harmful interference’ means interference which endangers the functioning of a radio navigation service or of other safety **and mission-critical** services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable international, Union or national regulations;

Or. en

Justification

ERTMS is the European railway traffic management system controlling the spacing between trains and the respect of their speed limitation; thus providing safety-related mission-critical services to railway operations. It relies on a radio-based communication service. On-board ERTMS subsystems shall be protected against interference, fulfilling the requirements specified in Annex A of the technical specification for interoperability relating to the ‘control-command and signalling’ subsystems of the rail system in the European Union (EU) 2016 919, which otherwise would seriously endanger the functioning of ERTMS.

Amendment 331

José Blanco López

Proposal for a directive

PE601.017v01-00

24/159

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Article 2 – paragraph 1 – point 20

Text proposed by the Commission

(20) 'harmful interference' means interference which endangers the functioning of a radio navigation service or of other safety services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable international, Union or national regulations;

Amendment

(20) 'harmful interference' means interference which endangers the functioning of a radio navigation service or of other safety ***and mission-critical*** services or which otherwise seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with the applicable international, Union or national regulations;

Or. en

Amendment 332

Morten Helveg Petersen

Proposal for a directive

Article 2 – paragraph 1 – point 22

Text proposed by the Commission

(22) 'security' of networks and services means the ability of electronic communications networks and services to resist, at a given level of confidence, any action that compromises the availability, authenticity, integrity or confidentiality of stored or transmitted or processed data or the related services offered by, or accessible via, those networks or services.

Amendment

(22) 'security' of networks and services means the ***technical and structural*** ability of electronic communications networks and services to resist, at a given level of confidence, any action that compromises the availability, authenticity, integrity or confidentiality of stored or transmitted or processed data or the related services offered by, or accessible via, those networks or services.

Or. en

Amendment 333

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 2 – paragraph 1 – point 23

Text proposed by the Commission

(23) 'general authorisation' means a legal framework established by the Member State ensuring rights for the provision of electronic communications networks or services and laying down sector-specific obligations that may apply to all or to specific types of electronic communications networks and services, in accordance with this Directive.

Amendment

(23) 'general authorisation' means a legal framework established by the Member State ensuring rights for the provision of electronic communications networks or services and laying down sector-specific obligations that may apply to all or to specific types of electronic communications networks and services, in accordance with this Directive, ***excluding not-for-profit-services provided by individuals.***

Or. en

Amendment 334

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 26

Text proposed by the Commission

(26) 'shared use of radio spectrum' means access by two or more users to use the same frequencies under a defined sharing arrangement, authorised by a national regulatory authority on the basis of a general authorisation, individual rights of use or a combination thereof, ***including regulatory approaches such as licenced shared access aiming to facilitate the shared use of a frequency band, subject to a binding agreement of all parties involved, in accordance with sharing rules as included in their rights of use so as to guarantee to all users predictable and reliable sharing arrangements, and without prejudice to the application of competition law;***

Amendment

(26) 'shared use of radio spectrum' means access by two or more users to use the same frequencies under a defined sharing arrangement, authorised by a national regulatory authority on the basis of a general authorisation, individual rights of use or a combination thereof;

Or. en

Amendment 335

Evžen Tošenovský

Proposal for a directive
Article 2 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘access’ means the making available of facilities and/or services to another undertaking, under defined conditions, on either an exclusive or non-exclusive basis, for the purpose of providing electronic communications services, including when they are used for the delivery of information society services or broadcast content services. It covers inter alia: access to network elements and associated facilities, which may involve the connection of equipment, by fixed or non-fixed means (in particular this includes access to the local loop and to facilities and services necessary to provide services over the local loop); access to physical infrastructure including buildings, ducts and masts; access to relevant software systems including operational support systems; access to information systems or databases for pre-ordering, provisioning, ordering, maintaining and repair requests, and billing; access to number translation or systems offering equivalent functionality; access to fixed and mobile networks, ***including software emulated networks***, in particular for roaming; access to conditional access systems for digital television services and access to virtual network services;

Amendment

(28) ‘access’ means the making available of facilities and/or services to another undertaking, under defined conditions, on either an exclusive or non-exclusive basis, for the purpose of providing electronic communications services, including when they are used for the delivery of information society services or broadcast content services. It covers inter alia: access to network elements and associated facilities, which may involve the connection of equipment, by fixed or non-fixed means (in particular this includes access to the local loop and to facilities and services necessary to provide services over the local loop); access to physical infrastructure including buildings, ducts and masts; access to relevant software systems including operational support systems; access to information systems or databases for pre-ordering, provisioning, ordering, maintaining and repair requests, and billing; access to number translation or systems offering equivalent functionality; access to fixed and mobile networks, in particular for roaming; access to conditional access systems for digital television services and access to virtual network services;

Or. en

Amendment 336
Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive
Article 2 – paragraph 1 – point 32

Text proposed by the Commission

(32) ‘voice communications’ means a service made available to the public for originating and receiving, directly or

Amendment

(32) ‘voice communications ***service***’ means a ***number-based interpersonal communications*** service made available to

indirectly, national or national *and international* calls through a number or numbers in a national or international telephone numbering plan;

the public for originating and receiving, directly or indirectly, national or national calls through a number or numbers in a national or international telephone numbering plan;

Or. en

Amendment 337

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States and BEREC shall also contribute to the achievement of these objectives.

Amendment

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States, *the Commission* and BEREC shall also contribute to the achievement of these objectives.

Or. en

Justification

This article is essential because it defines the grand objectives that all public action should aim to achieve in the sector. In doing so, all public institutions are play an important role, including the European Commission.

Amendment 338

Anne Sander, Françoise Grossetête

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that in carrying out the regulatory tasks specified in this

Amendment

Member States shall ensure that in carrying out the regulatory tasks specified in this

Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States **and BEREC** shall also contribute to the achievement of these objectives.

Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States, **BEREC and the Commission** shall also contribute to the achievement of these objectives.

Or. en

Amendment 339

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Flavio Zanonato, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States **and BEREC** shall also contribute to the achievement of these objectives.

Amendment

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States, **BEREC and the Commission** shall also contribute to the achievement of these objectives.

Or. en

Justification

Th article defines the grand objectives that all public action should aim to achieve in the sector and all key public institutions, including the European commission, should play a role. National authorities must pay close attention to the impact that markets have on each other.

Amendment 340

David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States *and BEREC* shall also contribute to the achievement of these objectives.

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States, *BEREC and the Commission* shall also contribute to the achievement of these objectives.

Or. en

Justification

The inclusion of the European Commission has the purpose of ensuring the effective achievement of the objectives set in Article 3 paragraph 2.

Amendment 341

Eva Kaili

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States *and BEREC* shall also contribute to the achievement of these objectives.

Amendment

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States, *BEREC and the Commission* shall also contribute to the achievement of these objectives.

Or. en

Amendment 342

José Blanco López

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States **and BEREC** shall also contribute to the achievement of these objectives.

Member States shall ensure that in carrying out the regulatory tasks specified in this Directive, the national regulatory and other competent authorities take all reasonable measures which are necessary and proportionate for achieving the objectives set out in paragraph 2. Member States, **BEREC and the Commission** shall also contribute to the achievement of these objectives.

Or. en

Amendment 343

Kaja Kallas, Marietje Schaake

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

National regulatory and other competent authorities may contribute within their competencies to ensuring the implementation of policies aimed at the promotion of cultural and linguistic diversity, as well as media pluralism.

Amendment

National regulatory and other competent authorities may contribute within their competencies to ensuring the implementation of policies aimed at the promotion of **freedom of expression and information**, cultural and linguistic diversity, as well as media pluralism.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 344

Morten Helveg Petersen

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

National regulatory and other competent authorities may contribute within their competencies to ensuring the

Amendment

National regulatory and other competent authorities may contribute within their competencies to ensuring the

implementation of policies aimed at the promotion of cultural and linguistic diversity, as well as media pluralism.

implementation of policies aimed at the ***protection of personal data and privacy***, ***the*** promotion of cultural and linguistic diversity, as well as media pluralism.

Or. en

Amendment 345

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

National regulatory and other competent authorities ***may*** contribute within their competencies to ensuring the implementation of policies aimed at the promotion of cultural and linguistic diversity, as well as media pluralism.

Amendment

National regulatory and other competent authorities ***shall*** contribute within their competencies to ensuring the implementation of policies aimed at the promotion of cultural and linguistic diversity, as well as media pluralism.

Or. en

Justification

Despite the fact that the Directive does not lay down substantive rules regarding content and only on networks and services, national authorities need to play close attention to the impact that markets have on each other. The degree of competition in telecommunications markets can significantly impact media and content pluralism in Europe, reducing consumers' ability to access the content and services of their choice.

Amendment 346

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

National regulatory and other competent authorities ***may*** contribute within their competencies to ensuring the implementation of policies aimed at the

Amendment

National regulatory and other competent authorities ***shall*** contribute within their competencies to ensuring the implementation of policies aimed at the

promotion of cultural and linguistic diversity, as well as media pluralism.

promotion of cultural and linguistic diversity, as well as media pluralism.

Or. en

Justification

This provision aims at ensuring a strong commitment of NRA and other competent authorities with the promotion of cultural and linguistic diversity, and media pluralism.

Amendment 347

David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

National regulatory and other competent authorities **may** contribute within their competencies to ensuring the implementation of policies aimed at the promotion of cultural and linguistic diversity, as well as media pluralism.

Amendment

National regulatory and other competent authorities **shall** contribute within their competencies to ensuring the implementation of policies aimed at the promotion of cultural and linguistic diversity, as well as media pluralism.

Or. en

Justification

National authorities need to play close attention to the impact that markets have on each other.

Amendment 348

Pervenche Berès

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Les autorités de régulation nationales et les autres autorités compétentes **peuvent contribuer**, dans la limite de leurs compétences, à la mise en œuvre des politiques visant à promouvoir la diversité culturelle et linguistique ainsi que le pluralisme dans les médias.

Amendment

Les autorités de régulation nationales et les autres autorités compétentes **contribuent**, dans la limite de leurs compétences, à la mise en œuvre des politiques visant à promouvoir la diversité culturelle et linguistique ainsi que le pluralisme dans les médias.

Amendment 349

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Flavio Zanonato

Proposal for a directive

Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. The national regulatory and other competent authorities as well as BEREC shall:

Amendment

2. The national regulatory and other competent authorities as well as BEREC ***and the Commission, in discharging their respective responsibilities under this Directive, shall pursue each of the general objectives listed below. The expression of the list in the order from (a) to (d) does not constitute a ranking of the general objectives.***

Or. en

Justification

There should be no prioritization of the different objectives.

Amendment 350

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. The national regulatory and other competent authorities as well as BEREC shall:

Amendment

2. The national regulatory and other competent authorities as well as BEREC ***and the Commission, in discharging their respective responsibilities under this Directive, shall pursue each of the general objectives listed below. The expression of the list in the order from (a) to (d) does not constitute a ranking of the general objectives:***

Justification

The regulatory objectives are of equal importance and are therefore not to be prioritised. The Commission should actively contribute to and be held accountable for achieving the objectives of the framework.

Amendment 351
José Blanco López

Proposal for a directive
Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. The national regulatory and other competent authorities as well as BEREC shall:

Amendment

2. The national regulatory and other competent authorities as well as BEREC ***and the Commission, in discharging their respective responsibilities under this Directive, shall pursue each of the general objectives listed below. The expression of the list in the order from (a) to (d) does not constitute a ranking of the general objectives.***

Amendment 352
Eva Kaili

Proposal for a directive
Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. The national regulatory and other competent authorities as well as BEREC shall:

Amendment

2. The national regulatory and other competent authorities as well as BEREC ***and the Commission, in discharging their respective responsibilities under this Directive, shall pursue each of the general objectives listed below. The expression of the list in the order from (a) to (d) does not constitute a ranking of the general objectives.***

Amendment 353
Martina Werner

Proposal for a directive
Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

(2) Die nationalen
Regulierungsbehörden und anderen
zuständigen Behörden sowie das GEREK

Amendment

(2) Die nationalen
Regulierungsbehörden und anderen
zuständigen Behörden sowie das GEREK
***verfolgen die nachfolgenden Ziele. Die
Reihenfolge der Auflistung bedeutet keine
Rangfolge an Prioritäten.***

Or. de

Amendment 354
Fulvio Martusciello

Proposal for a directive
Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. The national regulatory and other
competent authorities as well as BEREC
shall:

Amendment

2. The national regulatory, ***the
Commission*** and other competent
authorities as well as BEREC shall ***pursue
each and all of the general objective listed
below:***

Or. en

Amendment 355
David Borrelli, Dario Tamburrano

Proposal for a directive
Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. The national regulatory and other
competent authorities as well as BEREC
shall:

Amendment

2. The national regulatory and other
competent authorities as well as BEREC
and the Commission shall ***pursue each of
the general objectives listed below:***

Justification

The amendment has the scope of avoiding any prioritization of the different objectives listed in order to ensure the proper achievement of all the objectives.

Amendment 356**Michel Reimon**

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst**Proposal for a directive****Article 3 – paragraph 2 – point a***Text proposed by the Commission*

(a) promote ***access to, and take-up of***, very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Amendment

(a) promote ***the availability and affordability of and access to*** very high capacity data connectivity, both fixed and mobile ***and of interpersonal communications services***, by all Union citizens and businesses;

Or. en

Justification

In a market economy where consumers can leverage their collective power, it should always be them (and not governments, regulators or companies) who freely decide whether they want to take up a new service or not. The objective of EU telecom regulation has always been to guide regulatory intervention towards the offer side of the market, ensuring wholesale and retail competition, and the availability of services and networks. If regulation would aim to guide the demand side of the market too, it could condition the promotion of efficiency, transparency and fairness in markets, and of consumer protection. The regulatory framework must therefore continue focusing on availability and affordability of services.

Amendment 357

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive**Article 3 – paragraph 2 – point a***Text proposed by the Commission*

(a) promote access to, and take-up of, very high capacity data connectivity, both

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Amendment

(a) promote ***the availability and affordability of and*** access to, and take-up

fixed and mobile, by all Union citizens and businesses;

of, very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Or. en

Justification

Both availability and affordability are important for bridging digital divide.

Amendment 358

Martina Werner

Proposal for a directive

Article 3 – paragraph 2 – point a

Text proposed by the Commission

a) fördern den Zugang zu und die Nutzung von sowohl Festnetz- als auch Mobilfunk-Datenverbindungen mit sehr hoher Kapazität durch alle Bürger und Unternehmen der Union;

Amendment

a) fördern **die Verfügbarkeit, die Erschwinglichkeit**, den Zugang zu und die Nutzung von sowohl Festnetz- als auch Mobilfunk-Datenverbindungen mit sehr hoher Kapazität durch alle Bürger und Unternehmen der Union;

Or. de

Amendment 359

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) promote access to, and take-up of, very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Amendment

(a) promote **the availability and affordability of**, access to, and take-up of, very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Or. en

Amendment 360

Eva Kaili

Proposal for a directive
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) promote access to, and take-up of, very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Amendment

(a) promote ***the availability and affordability of and*** access to, and take-up of, very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Or. en

Amendment 361
Kathleen Van Brempt

Proposal for a directive
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) promote access to, and take-up of, very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Amendment

(a) promote access to, ***investment in*** and take-up of, very high capacity data connectivity, both fixed and mobile, by all Union citizens and businesses;

Or. en

Amendment 362
Angelika Niebler, Herbert Reul

Proposal for a directive
Article 3 – paragraph 2 – point b

Text proposed by the Commission

b) fördern den Wettbewerb bei der Bereitstellung elektronischer Kommunikationsnetze und zugehöriger Einrichtungen, einschließlich eines effizienten Infrastrukturwettbewerbs, und den Wettbewerb bei der Bereitstellung elektronischer Kommunikationsdienste und zugehöriger Dienste;

Amendment

b) fördern den Wettbewerb, ***der die wichtigste Voraussetzung für Investitionen ist,*** bei der Bereitstellung elektronischer Kommunikationsnetze und zugehöriger Einrichtungen, einschließlich eines effizienten Infrastrukturwettbewerbs, und den Wettbewerb bei der Bereitstellung elektronischer Kommunikationsdienste und zugehöriger Dienste, ***damit hochleistungsfähige Infrastrukturen***

flächendeckend in der Europäischen Union sichergestellt werden.

Or. de

Justification

Durch fairen Wettbewerb werden Investitionen gesteigert und Infrastrukturen auf- und ausgebaut. Ziel ist es, hochleistungsfähige Infrastrukturen flächendeckend in der Europäischen Union sicherzustellen.

Amendment 363

Anne Sander, Françoise Grossetête

Proposal for a directive

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) promote competition in the provision of electronic communications networks and associated facilities, including efficient infrastructure-based competition, and in the provision of electronic communications services and associated services;

Amendment

(b) promote *sustainable* competition in the provision of electronic communications networks and associated facilities, including efficient infrastructure-based competition, and in the provision of electronic communications services and associated services;

Or. en

Amendment 364

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda

Proposal for a directive

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) contribute to the development of the internal market by removing remaining obstacles to, and facilitating convergent conditions for, *investment in and* the provision of electronic communications networks, associated facilities and services and electronic communications services throughout the Union, by *developing*

Amendment

(c) contribute to the development of the internal market by removing remaining obstacles to, and facilitating convergent conditions for the provision of electronic communications networks, associated facilities and services and electronic communications services throughout the Union, by favouring the effective, efficient

common rules and predictable regulatory approaches, by favouring the effective, efficient and coordinated use of spectrum, ***open innovation***, the establishment and development of trans-European networks, the availability and interoperability of pan-European services, and end-to-end connectivity;

and coordinated use of spectrum, the establishment and development of trans-European networks, the availability and interoperability of pan-European services, and end-to-end connectivity;

Or. en

Amendment 365
Kaja Kallas

Proposal for a directive
Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) contribute to the development of the internal market by removing remaining obstacles to, and facilitating convergent conditions for, investment in and the provision of electronic communications networks, associated facilities and services and electronic communications services throughout the Union, by developing common rules and predictable regulatory approaches, by favouring the effective, efficient and coordinated use of spectrum, open innovation, the establishment and development of trans-European networks, the availability and interoperability of pan-European services, and end-to-end connectivity;

Amendment

(c) contribute to the development of the internal market by removing remaining obstacles to, and facilitating convergent conditions for, investment in and the provision of electronic communications networks, associated facilities and services and electronic communications services throughout the Union, by developing common rules and predictable regulatory approaches, by favouring the effective, efficient and coordinated use of spectrum, open innovation, the establishment and development of trans-European networks, ***the provision***, availability and interoperability of pan-European services, and end-to-end connectivity;

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 366
Anne Sander, Françoise Grossetête

Proposal for a directive

Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

Amendment

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ***promoting the Union competitiveness and economic development, also through the digitalization of the industry***, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

Or. en

Amendment 367

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda

Proposal for a directive

Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) promote the interests of the citizens of the Union, including in the long term, by ***ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services***, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific

Amendment

(d) promote the interests of the citizens of the Union, including in the long term, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common ***minimum*** level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in

rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

particular disabled users, elderly users and users with special social needs.

Or. en

Amendment 368
Kathleen Van Brempt

Proposal for a directive
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

Amendment

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability, **investment in** and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

Or. en

Amendment 369
Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Theresa Griffin

Proposal for a directive
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability and take-

Amendment

(d) promote the interests of the citizens of the Union, including in the long term, by ensuring widespread availability and take-

up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common *minimum* level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

Or. en

Justification

This AM does not support a hierarchy of the EU framework's general objectives. Long-term interest of the citizens should not be used as an argument to legitimate an increase of prices on the short term or as a condition to have the networks roll-out on the long term. However, we should look into ensuring minimum level of protection for end-users.

Amendment 370 **Fulvio Martusciello**

Proposal for a directive **Article 3 – paragraph 2 – point d**

Text proposed by the Commission

(d) promote the interests of the citizens of the Union, ***including in the long term***, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

Amendment

(d) promote the interests of the citizens of the Union, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

Amendment 371

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) promote the interests of the citizens of the Union, ***including in the long term***, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

Amendment

(d) promote the interests of the citizens of the Union, by ensuring widespread availability and take-up of very high capacity connectivity, both fixed and mobile, and of interpersonal communications services, by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition, by maintaining security of networks and services, by ensuring a high and common ***minimum*** level of protection for end-users through the necessary sector-specific rules and by addressing the needs, such as for affordable prices, of specific social groups, in particular disabled users, elderly users and users with special social needs.

Or. en

Amendment 372

Angelika Niebler, Herbert Reul

Proposal for a directive

Article 3 – paragraph 2 – point d – point i (new)

Text proposed by the Commission

Amendment

i) Die in Absatz 2 aufgeführten Ziele sind gleichrangig.

Or. de

Justification

Die in diesem Absatz aufgeführten Ziele sollten alle gleichrangig sein.

Amendment 373

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 3 – point a

Text proposed by the Commission

(a) ***promoting regulatory predictability***
by ensuring a consistent regulatory approach over appropriate review periods and through cooperation with each other, with BEREC and with the Commission;

Amendment

(a) ensuring a consistent regulatory approach over appropriate review periods and through cooperation with each other, with BEREC and with the Commission;

Or. en

Justification

European citizens need vibrant, competitive telecom markets, where telecom providers of all sizes and natures continuously compete against each other to earn consumers' trust and satisfaction with high quality, affordable services. The current regulatory framework for telecommunications is based on principles that have enabled some – but often not enough - degree of competition to develop in many markets across Europe, both in fixed and mobile markets alike.

Amendment 374

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 3 – paragraph 3 – point a

Text proposed by the Commission

(a) ***promoting regulatory predictability***
by ensuring a consistent regulatory approach over appropriate review periods and through cooperation with each other, with BEREC and with the Commission;

Amendment

(a) by ensuring a consistent regulatory approach over appropriate review periods and through cooperation with each other, with BEREC and with the Commission;

Or. en

Justification

Consistency brings predictability.

Amendment 375

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda

Proposal for a directive

Article 3 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(a a) safeguarding competition to the benefit of consumers and promoting, where appropriate, infrastructure-based competition;

Or. en

Justification

Weakening competition and/or narrowing its scope to the retail level or to infrastructure-based competition introduces great uncertainty as regards one of the cornerstones of the regulatory framework. The connection between cause and effect is neglected. Effective access regulation to the SMP operator's network is pivotal to establish and maintain an intensive and sustainable retail competition. Sufficient competition on the retail market results from functioning wholesale markets and should hence by no means be taken as a criterion to deregulate wholesale access. The prospect of removal alone undermines investments of alternative network operators, which are sensitive to expectations on the (un)reliability of wholesale access products.

Amendment 376

Evžen Tošenovský

Proposal for a directive

Article 3 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) ensuring that, in similar circumstances, there is no discrimination in the treatment of **undertakings providing** electronic communications networks and services;

(b) ensuring that, in similar circumstances, there is no discrimination in the treatment of **providers of** electronic communications networks and services;

Or. en

Justification

applies though the whole text of the Directive

Amendment 377

Michal Boni, Henna Virkkunen, Gunnar Hökmark, Jerzy Buzek

Proposal for a directive

Article 3 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) safeguarding competition to the benefit of consumers and promoting, where appropriate, infrastructure-based competition;

Or. en

Justification

Weakening competition and/or narrowing its scope to the retail level or to infrastructure-based competition introduces great uncertainty as regards one of the cornerstones of the regulatory framework.

Amendment 378

David Borrelli, Dario Tamburrano

Proposal for a directive

Article 3 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) safeguarding competition to the benefit of consumers and promoting, where appropriate, infrastructure-based competition;

Or. en

Justification

This is a new point c. Necessary in order to ensure competitive telecom markets to the benefit of consumers.

Amendment 379

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Barbara Kappel, Lorenzo Fontana, Angelo Ciocca

Proposal for a directive

Article 3 – paragraph 3 – point c

Text proposed by the Commission

(c) applying EU law in a technologically neutral fashion, to the extent that this is consistent with the achievement of the objectives of paragraph 1;

Amendment

(c) applying EU law in a technologically neutral fashion ***which neither imposes nor discriminates in favour of the use of a particular type of technology***, to the extent that this is consistent with the achievement of the objectives of paragraph 1;

Or. en

Amendment 380

Fulvio Martusciello

Proposal for a directive

Article 3 – paragraph 3 – point c

Text proposed by the Commission

(c) applying EU law in a technologically neutral fashion, ***to the extent that this is consistent with the achievement of the objectives of paragraph 1;***

Amendment

(c) applying EU law in a technologically neutral fashion;

Or. en

Amendment 381

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 3 – point e

Text proposed by the Commission

(e) taking due account of the variety of conditions relating to infrastructure, competition and ***consumers*** that exist in

Amendment

(e) taking due account of the variety of conditions relating to infrastructure, ***as well as service*** competition and ***end-users'***

the various geographic areas within a Member State;

circumstances that exist in the various geographic areas within a Member State;

Or. en

Amendment 382

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition on the retail market concerned and relaxing or lifting such obligations as soon as that condition is fulfilled.

deleted

Or. en

Amendment 383

Fulvio Martusciello

Proposal for a directive

Article 3 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition *on the retail market concerned and relaxing or lifting such obligations as soon as that condition is fulfilled.*

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition.

Or. en

Amendment 384

Miapetra Kumpula-Natri, Dan Nica, Flavio Zanonato, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 3 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition on the retail market concerned and relaxing or lifting such obligations as soon as that condition is fulfilled.

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition on the **wholesale and the** retail market concerned and relaxing or lifting such obligations as soon as that condition is fulfilled.

Or. en

Justification

We should either delete "on the retail market concerned" or add the wholesale market. Competition at the retail level is strictly linked to a well-functioning wholesale access market.

Amendment 385

Kaja Kallas

Proposal for a directive

Article 3 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition on the **retail market** concerned and relaxing or lifting such obligations as soon as that condition is fulfilled.

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and **long term** sustainable competition on the **relevant markets** concerned and relaxing or lifting such obligations as soon as that condition is fulfilled.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 386

Martina Werner

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Proposal for a directive
Article 3 – paragraph 3 – point f

Text proposed by the Commission

f) regulatorische Vorabverpflichtungen **nur insoweit** auferlegen, wie es notwendig ist, um einen wirksamen und nachhaltigen Wettbewerb zu gewährleisten, und diese Verpflichtungen **im betreffenden Endkundenmarkt** lockern oder aufheben, sobald diese Voraussetzung erfüllt ist.

Amendment

f) regulatorische Vorabverpflichtungen auferlegen, wie es notwendig ist, um einen wirksamen und nachhaltigen Wettbewerb zu gewährleisten, und diese Verpflichtungen lockern oder aufheben, sobald diese Voraussetzung erfüllt ist.

Or. de

Amendment 387
David Borrelli, Dario Tamburrano

Proposal for a directive
Article 3 – paragraph 3 – point f

Text proposed by the Commission

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition **on the retail market concerned** and relaxing or lifting such obligations as soon as that condition is fulfilled.

Amendment

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition and relaxing or lifting such obligations as soon as that condition is fulfilled.

Or. en

Justification

The amendment aims to avoid the limitation of the imposition of ex-ante regulatory obligations only in case of ineffective competition at retail level.

Amendment 388
José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive
Article 3 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition on the **retail** market concerned and relaxing or lifting such obligations as soon as that condition is fulfilled.

(f) imposing ex ante regulatory obligations only to the extent necessary to secure effective and sustainable competition on the market concerned and relaxing or lifting such obligations as soon as that condition is fulfilled.

Or. en

Amendment 389

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(f a) safeguarding competition to the benefit of consumers, including the imposition of ex-ante regulatory obligations to secure effective and sustainable competition on wholesale markets and promoting, where appropriate, infrastructure-based competition.

Or. en

Amendment 390

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Theresa Griffin, Flavio Zanonato

Proposal for a directive

Article 3 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(f a) safeguarding competition to the benefit of consumers, including the imposition of ex-ante regulatory obligations to secure effective and sustainable competition on wholesale markets and promoting, where appropriate, infrastructure-based competition.

Justification

Europe needs competitive telecom markets, where telecom providers of all sizes and natures compete to offer high quality and affordable services for end users. The current regulatory framework for telecommunications is based on principles that have enabled competition to develop across Europe. We need to safeguarding competition to the benefit of consumers and promote infrastructure-based competition when possible.

Amendment 391**Eva Kaili****Proposal for a directive****Article 3 – paragraph 3 – point f a (new)***Text proposed by the Commission**Amendment*

(f a) safeguarding competition to the benefit of consumers, including the imposition of ex-ante regulatory obligations to secure effective and sustainable competition on wholesale markets and promoting, where appropriate, infrastructure-based competition.

Amendment 392**Morten Helveg Petersen****Proposal for a directive****Article 4 – paragraph 1***Text proposed by the Commission**Amendment*

1. Member States shall cooperate with each other and with the Commission in the strategic planning, coordination and harmonisation of the use of radio spectrum in the Union. To this end, they shall take into consideration, inter alia, the economic, safety, health, public interest, public security and defence, freedom of expression, cultural, scientific, social and technical aspects of EU policies as well as the various interests of radio spectrum user

1. Member States shall cooperate with each other and with the Commission in the strategic planning, coordination and harmonisation of the use of radio spectrum in the Union. To this end, they shall take into consideration, inter alia, the economic, safety, health, public interest, public security and defence, ***data protection and privacy***, freedom of expression, cultural, scientific, social and technical aspects of EU policies as well as the various interests

communities with the aim of optimising the use of radio spectrum and avoiding harmful interference.

of radio spectrum user communities with the aim of optimising the use of radio spectrum and avoiding harmful interference.

Or. en

Amendment 393

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall cooperate with each other and with the Commission in the strategic planning, coordination and harmonisation of the use of radio spectrum ***in the Union. To this end, they shall*** take into consideration, inter alia, the economic, safety, health, public interest, public security and defence, freedom of expression, cultural, scientific, social and technical aspects of EU policies as well as the various interests of radio spectrum user communities with the aim of optimising the use of radio spectrum and avoiding harmful interference.

Amendment

1. Member States shall cooperate with each other and with the Commission in the strategic planning, coordination and harmonisation of the use of radio spectrum, ***a scarce resource that belongs to the Member States. They might*** take into consideration, inter alia, the economic, safety, health, public interest, public security and defence, freedom of expression, cultural, scientific, social and technical aspects of EU policies as well as the various interests of radio spectrum user communities with the aim of optimising the use of radio spectrum and avoiding harmful interference.

Or. en

Amendment 394

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

2. By cooperating with each other and with the Commission, Member States shall promote the coordination of radio spectrum policy approaches in the European Union and, where appropriate, harmonised conditions with regard to the availability

Amendment

2. By cooperating with each other and, ***where appropriate***, with the Commission, Member States shall promote the coordination of radio spectrum policy approaches in the European Union and, where appropriate, harmonised conditions

and efficient use of radio spectrum necessary for the establishment and functioning of the internal market in electronic communications.

with regard to the availability and efficient use of radio spectrum necessary for the establishment and functioning of the internal market in electronic communications.

Or. en

Amendment 395
Edouard Martin

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall cooperate through the Radio Spectrum Policy Group, established by Commission Decision 2002/622/EC, with each other and with the Commission, and upon their request with the European Parliament and the Council, in support of the strategic planning and coordination of radio spectrum policy approaches in the Union.

Amendment

3. Member States shall cooperate through the Radio Spectrum Policy Group, established by Commission Decision 2002/622/EC, with each other and with the Commission, and upon their request with the European Parliament and the Council, in support of the strategic planning and coordination of radio spectrum policy approaches in the Union. ***Where regulatory or competitive dimensions arise in the determination of spectrum policy issues, BEREC shall be associated.***

Or. en

Amendment 396
Edouard Martin

Proposal for a directive
Article 5 – paragraph 1 – subparagraph 2 – indent 6

Text proposed by the Commission

- ensuring consumer protection and end-user rights in the electronic communications sector;

Amendment

- ensuring consumer protection and end-user rights in the electronic communications sector ***within the remit of their competences under the sectorial regulation, and cooperating with relevant competent authorities wherever applicable;***

Amendment 397

Miapetra Kumpula-Natri, Edouard Martin, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Martina Werner, Theresa Griffin

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2 – indent 6 a (new)

Text proposed by the Commission

Amendment

- *monitoring closely the development of the Internet of Things in order to ensure competition, consumer protection and cybersecurity*

Or. en

Justification

NRAs should monitor the development of IoT and ensure that competition, consumer protection and cyber security are tackled as appropriate. NRAs have a crucial role to play in the markets where new technologies are already being designed and deployed and we should ensure that NRAs are tasked and empowered to look after the fulfilment of all regulatory objectives in these markets.

Amendment 398

Eva Kaili

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2 – indent 6 a (new)

Text proposed by the Commission

Amendment

- *monitoring closely the development of the Internet of Things in order to ensure competition, consumer protection and cybersecurity*

Or. en

Amendment 399

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2 – indent 6 a (new)

Text proposed by the Commission

Amendment

- ***monitoring closely the development of the Internet of Things;***

Or. en

Justification

Telecom NRAs will have a crucial role to play in the markets of the future where new technologies are already being designed and deployed. A case in point is the Internet of Things, where all new products and services that will be interconnected will include an electronic communication service. It is therefore important that telecom NRAs are tasked and empowered to look after the fulfilment of all regulatory objectives in these new market developments too.

Amendment 400

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2 – indent 6 b (new)

Text proposed by the Commission

Amendment

- ***ensuring competition and consumer protection in the Internet of Things;***

Or. en

Amendment 401

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2 – indent 8

Text proposed by the Commission

Amendment

- ***dealing with issues*** related to open internet access;

- ***ensuring compliance with rules*** related to open internet access;

Justification

We should ensure that NRAs look after the compliance with rules related to open internet access.

Amendment 402

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2 – indent 8

Text proposed by the Commission

- *dealing with issues* related to open internet access;

Amendment

- *ensuring compliance with rules* related to open internet access;

Or. en

Amendment 403

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2 – indent 8

Text proposed by the Commission

- *dealing with issues* related to open internet access;

Amendment

- *ensuring compliance with rules* related to open internet access;

Or. en

Amendment 404

Eva Kaili

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2 – indent 8

Text proposed by the Commission

- *dealing with issues* related to open internet access;

Amendment

- *ensuring compliance with rules* related to open internet access;

Amendment 405

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 2 – indent 11 a (new)

Text proposed by the Commission

Amendment

- *monitoring closely the development of the Internet of Things in order to ensure competition, consumer protection and cybersecurity*

Or. en

Amendment 406

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. National regulatory authorities and other competent authorities of the same Member State or of different Member States shall *have the right to* enter into cooperative arrangements with each other to foster regulatory cooperation.

2. National regulatory authorities and other competent authorities of the same Member State or of different Member States shall enter into cooperative arrangements with each other to foster regulatory cooperation *where necessary*.

Or. en

Justification

In today's complex world, it is essential that authorities cooperate with each other to advance public policy objectives and in particular to protect consumers.

Amendment 407

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

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Article 5 – paragraph 2

Text proposed by the Commission

2. National regulatory authorities and other competent authorities of the same Member State or of different Member States shall ***have the right to*** enter into cooperative arrangements with each other to foster regulatory cooperation.

Amendment

2. National regulatory authorities and other competent authorities of the same Member State or of different Member States shall enter into cooperative arrangements with each other to foster regulatory cooperation ***where necessary***.

Or. en

Justification

It is essential that authorities cooperate with each other to advance public policy objectives.

Amendment 408

Kaja Kallas, Marietje Schaake

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall guarantee the independence of national regulatory authorities and of other competent authorities by ensuring that they are legally distinct from and functionally independent of all organisations providing electronic communications networks, equipment or services. Member States that retain ownership or control of undertakings providing electronic communications networks and/or services shall ensure effective structural separation of the regulatory function from activities associated with ownership or control.

Amendment

1. Member States shall guarantee the independence of national regulatory authorities and of other competent authorities by ensuring that they are legally distinct from and functionally independent of all organisations providing electronic communications networks, equipment or services ***and of the respective government***. Member States that retain ownership or control of undertakings providing electronic communications networks and/or services shall ensure effective structural separation of the regulatory function from activities associated with ownership or control.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 409

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 6 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that national regulatory authorities and other competent authorities exercise their powers impartially, transparently and in a timely manner. Member States shall ensure that they have adequate financial and human resources to carry out the tasks assigned to them.

Amendment

2. Member States shall ensure that national regulatory authorities and other competent authorities exercise their powers impartially, transparently and in a timely manner. Member States shall ensure that they have adequate ***technical***, financial and human resources to carry out the tasks assigned to them.

Or. en

Justification

National regulatory authorities must have at their disposal all the resources they need in order to fulfill their obligations

Amendment 410

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 6 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that national regulatory authorities and other competent authorities exercise their powers impartially, transparently and in a timely manner. Member States shall ensure that they have adequate financial and human resources to carry out the tasks assigned to them.

Amendment

2. Member States shall ensure that national regulatory authorities and other competent authorities exercise their powers impartially, transparently and in a timely manner. Member States shall ensure that they have adequate ***technical***, financial and human resources to carry out the tasks assigned to them.

Or. en

Justification

NRAs also need technical resources to carry out the assigned tasks.

Amendment 411
Kaja Kallas, Marietje Schaake

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. The head of a national regulatory authority, or, where applicable, the members of the collegiate body fulfilling that function within a national regulatory authority or their replacements, shall be appointed for a term of office of at least four years from among persons of recognised standing and professional experience, on the basis of merit, skills, knowledge and experience and following an open selection procedure. They shall not be allowed to serve more than two terms, either consecutive or not. Member States shall ensure continuity of decision-making by providing for an appropriate rotation scheme for the members of the collegiate body or the top management, such as by appointing the first members of the collegiate body for different periods, in order for their mandates, as well as that of their successors not to elapse at the same moment.

Amendment

1. The head of a national regulatory authority, or, where applicable, the members of the collegiate body fulfilling that function within a national regulatory authority or their replacements, shall be appointed for a term of office of at least four years from among persons of recognised standing and professional experience, on the basis of merit, skills, knowledge and experience and following an open **and transparent** selection procedure. They shall not be allowed to serve more than two terms, either consecutive or not. Member States shall ensure continuity of decision-making by providing for an appropriate rotation scheme for the members of the collegiate body or the top management, such as by appointing the first members of the collegiate body for different periods, in order for their mandates, as well as that of their successors not to elapse at the same moment.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 412
Morten Helveg Petersen

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the provisions of Article 10, national regulatory

Amendment

1. Without prejudice to the provisions of Article 10, national regulatory

authorities shall act independently and objectively, and shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law. Only appeal bodies set up in accordance with Article 31 shall have the power to suspend or overturn decisions by the national regulatory authorities.

authorities shall act independently and objectively, ***be legally distinct and functionally independent from the government, operate in a transparent and accountable manner in accordance with Union law and national law, have sufficient powers*** and shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law. Only appeal bodies set up in accordance with Article 31 shall have the power to suspend or overturn decisions by the national regulatory authorities.

Or. en

Amendment 413

Kaja Kallas, Marietje Schaake

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the provisions of Article 10, national regulatory authorities shall act independently and objectively, and shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law. Only appeal bodies set up in accordance with Article 31 shall have the power to suspend or overturn decisions by the national regulatory authorities.

Amendment

1. Without prejudice to the provisions of Article 10, national regulatory authorities shall act independently and objectively, ***operate in a transparent and accountable manner in accordance with Union law and national law, have sufficient powers*** and shall not seek or take instructions from any other body in relation to the exercise of the tasks assigned to them under national law implementing Union law. This shall not prevent supervision in accordance with national constitutional law. Only appeal bodies set up in accordance with Article 31 shall have the power to suspend or overturn decisions by the national regulatory authorities.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 414

Edouard Martin

Proposal for a directive

Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that national regulatory authorities take utmost account of opinions **and** common positions adopted by BEREC when adopting their own decisions for their national markets.

Amendment

2. Member States shall ensure that national regulatory authorities take utmost account of opinions, common positions **or decisions** adopted by BEREC when adopting their own decisions for their national markets.

Or. en

Justification

If BEREC is to become an agency, its role and powers should be enhanced adequately (especially in articles 32-33)

Amendment 415

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Cornelia Ernst

Proposal for a directive

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall ensure that national regulatory authorities apply Regulation 2015/2120 and BEREC Guidelines adopted pursuant to Article 5.3 of the abovementioned Regulation and coordinate within BEREC with other national regulatory authorities when implementing it.

Or. en

Justification

The implementation of the regulation 2015/2120 is made on a national basis without any coordination of national regulation authorities, despite the BEREC guidelines.

A harmonised implementation within the EU is of the utmost importance for predictability of law and for ensuring end-users rights.

Amendment 416 **Morten Helveg Petersen**

Proposal for a directive **Article 11 – paragraph 1**

Text proposed by the Commission

1. National regulatory authorities, other competent authorities under this Directive, and national competition authorities shall provide each other with the information necessary for the application of the provisions of this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as the originating authority.

Amendment

1. National regulatory authorities, other competent authorities under this Directive, and national competition authorities shall provide each other with the information necessary for the application of the provisions of this Directive. In respect of the information exchanged, ***Union data protection rules shall apply, and*** the receiving authority shall ensure the same level of confidentiality as the originating authority.

Or. en

Amendment 417 **Morten Helveg Petersen**

Proposal for a directive **Article 12 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure the freedom to provide electronic communications networks and services, subject to the conditions set out in this Directive. To this end, Member States shall not prevent an undertaking from providing electronic communications networks or services, except where this is necessary for the reasons set out in Article 52 (1) of the Treaty. Any such limitation to the freedom

PE601.017v01-00

Amendment

1. Member States shall ensure the freedom to provide electronic communications networks and services, subject to the conditions set out in this Directive. To this end, Member States shall not prevent an undertaking from providing electronic communications networks or services, except where this is necessary for the reasons set out in Article 52 (1) of the Treaty. Any such limitation to the freedom

to provide electronic communications networks and services shall be duly reasoned *and shall be* notified to the Commission.

to provide electronic communications networks and services shall be duly reasoned, *provided for by law, respect the essence of the rights and freedoms recognised by the Charter and be subject to the principle of proportionality, in accordance with Article 52 (1) of the Charter and* notified to the Commission.

Or. en

Amendment 418
Kaja Kallas

Proposal for a directive
Article 12 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Member States may not impose any additional or separate notification requirements.

Amendment

Member States may not impose any additional or separate notification requirements
Member States shall ensure that the taking up and pursuit of the activity of a number-independent communications service provider may not be made subject to prior authorisation or any other requirement having equivalent effect.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 419
Kaja Kallas

Proposal for a directive
Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. *Where an undertaking provides electronic communication services, other than number-independent interpersonal*

communication services, in more than one Member state, the general authorisation shall be granted by the national regulatory authority of the Member state indicated in the single notification as the provider's main establishment in the EU. This national regulatory authority shall attach to the General authorisation the specific conditions necessary in order to ensure compliance in particular with all the relevant Union and national rules related to the provision of electronic communication services applicable in the Member States where the services are provided.

In case of a demonstrated breach of the relevant rules or upon request from another national regulatory authority than the one that granted the authorisation, the national regulatory authority that granted the authorisation , shall enforce the conditions attached under subparagraph 1 in accordance with Article 30, including in serious cases by withdrawing the General authorisation granted to the undertaking concerned.

BEREC shall timely assess the validity of the General authorisation granted and facilitate and coordinate the exchange of information between the national regulatory authorities of the different Member States involved and ensure the appropriate coordination of work among them, and shall take decision in case of unresolved disputes.

Or. en

Justification

In order to facilitate the provision of crossborder services and the free flow of data, there is a necessity to reduce the administrative burden undertakings have to face as they are currently confronted with different requests in different formats from 28 different administrations, although they provide services that technologically do not rely on borders . In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 420

Michal Boni, Françoise Grossetête, Anne Sander

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the rights, conditions and procedures concerning general authorisations and rights of use for radio spectrum or for numbers or rights to install facilities may only be amended in objectively justified cases and in a proportionate manner, taking into consideration, where appropriate, the specific conditions applicable to transferable rights of use for radio spectrum and for numbers.

Amendment

1. Member States shall ensure that the rights, conditions and procedures concerning general authorisations and rights of use for radio spectrum or for numbers or rights to install facilities may only be amended in objectively justified cases and in a proportionate manner, taking into consideration, where appropriate, the specific conditions applicable to transferable rights of use for radio spectrum and for numbers. ***In the case of right of use for spectrum, the right holder shall have the right to object to any proposed amendment based on its existing and future spectrum usage plan and the need to safeguard investment.***

Or. en

Justification

Legal certainty as to spectrum usage rights is key to the promotion of investment in mobile networks and in particular in the next generation of mobile, 5G. It is proposed that operators be given the opportunity of objecting to spectrum rights changes on the basis of limited conditions such as future networks spectrum usage plans and the need to safeguard investment not yet fully depreciated.

Amendment 421

Kaja Kallas

Proposal for a directive

Article 18 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Where an undertaking provides electronic communication services, other than number-independent interpersonal communication services, in more than one Member state, any amendment to the general authorisation by the Member state

that has granted the general authorisation shall be notified to BEREC and the Member states concerned.

Or. en

Justification

In order to facilitate the provision of crossborder services and the free flow of data, there is a necessity to reduce the administrative burden undertakings have to face as they are currently confronted with different requests in different formats from 28 different administrations, although they provide services that technologically do not rely on borders .

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 422

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall not restrict or withdraw rights to install facilities or rights of use for radio spectrum or numbers before expiry of the period for which they were granted except where justified pursuant to paragraph 2 and where applicable in conformity with the Annex I and relevant national provisions regarding compensation for withdrawal of rights.

Amendment

1. ***Without prejudice to Article 49 paragraphs 2 and 2a,*** Member States shall not restrict or withdraw rights to install facilities or rights of use for radio spectrum or numbers before expiry of the period for which they were granted except where justified pursuant to paragraph 2 and where applicable in conformity with the Annex I and relevant national provisions regarding compensation for withdrawal of rights.

Or. en

Justification

Linked to their alternative in Art 49, and the mid-term assessment.

Amendment 423

Pilar del Castillo Vera

Proposal for a directive

Article 19 – paragraph 2

2. In line with the need to ensure the effective and efficient use of radio spectrum or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States may allow withdrawal of rights, including those with a 25 year minimum duration, based on procedures laid down in advance, in compliance with the principles of proportionality and non-discrimination.

2. In line with the need to ensure the effective and efficient use of radio spectrum or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States may allow withdrawal of rights, including those with a 25 year minimum duration, based on procedures laid down in advance, in compliance with the principles of proportionality and non-discrimination.
Such procedures shall specify any applicable parameters, including the period for putting the rights into use, the non-fulfilment of which would entitle the Member State to consider withdrawal of the right of use or the imposition of other measures, such as shared use.

Or. en

Justification

The proposed amendment aims at clarifying the "use it or lose it principle"

Amendment 424

Gunnar Hökmark, Michal Boni, Bendt Bendtsen

Proposal for a directive

Article 19 – paragraph 2

2. ***In line with the need*** to ensure ***the*** effective ***and efficient*** use of radio spectrum or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States may allow withdrawal of rights, including those with a **25** year minimum duration, based on procedures laid down ***in advance***, in compliance with the principles of proportionality and non-discrimination.

2. ***If necessary in order*** to ensure effective use of radio spectrum ***and competition***, or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States may allow withdrawal of rights, including those with a **30** year minimum duration, ***after consultations with the right holder and*** based on ***fully transparent conditions and*** procedures laid down ***prior to the granting of such rights***, in compliance with the principles of proportionality and non-discrimination. ***Member States shall ensure that licence holders, following any withdrawal, are adequately and***

proportionally compensated with regards to investments made.

Or. en

Justification

Predictability and certainty are both crucial to unlock investments and secure long-term effective use of spectrum; therefore, any withdrawal of rights shall be used only as a last resort and, in order not to hamper investments, be followed by financial compensation for investments already made.

Amendment 425
Edouard Martin

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

2. In line with the need to ensure the effective and efficient use of radio spectrum or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States may allow withdrawal of rights, including those with a **25** year minimum duration, based on procedures laid down in advance, in compliance with the principles of proportionality and non-discrimination.

Amendment

2. In line with the need to ensure the effective and efficient use of radio spectrum or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States may allow withdrawal of rights, including those with a **15** year minimum duration, based on procedures laid down in advance, in compliance with the principles of proportionality and non-discrimination.

Or. en

Amendment 426
Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

2. In line with the need to ensure the effective and efficient use of radio spectrum or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States

Amendment

2. In line with the need to ensure the effective and efficient use of radio spectrum or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States

may allow withdrawal of rights, ***including those with a 25 year minimum duration***, based on procedures laid down in advance, in compliance with the principles of proportionality and non-discrimination.

may allow withdrawal of rights, ***by the competent national authority***, based on ***detailed*** procedures laid down in advance, in compliance with the principles of proportionality and non-discrimination.

Or. en

Justification

Spectrum is a scarce resource and we should ensure that it is efficiently used, if we allow long rights of use term. Reference to 25 years is not needed here.

Amendment 427

José Blanco López

Proposal for a directive Article 19 – paragraph 2

Text proposed by the Commission

2. In line with the need to ensure the effective and efficient use of radio spectrum or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States may allow withdrawal of rights, ***including those with a 25 year minimum duration***, based on procedures laid down in advance, in compliance with the principles of proportionality and non-discrimination.

Amendment

2. In line with the need to ensure the effective and efficient use of radio spectrum or the implementation of harmonised conditions adopted under Decision No 676/2002/EC, Member States may allow withdrawal of rights, ***by the competent national authority***, based on ***detailed*** procedures laid down in advance, in compliance with the principles of proportionality and non-discrimination.

Or. en

Amendment 428

Edouard Martin

Proposal for a directive Article 19 – paragraph 4

Text proposed by the Commission

4. Any intention to restrict or withdraw authorisations or individual rights of use for radio spectrum or numbers shall be subject to a public consultation in accordance with Article 23.

Amendment

4. Any intention to restrict or withdraw authorisations or individual rights of use for radio spectrum or numbers ***without the consent of the right holder***

shall be subject to a public consultation in accordance with Article 23.

Or. en

Amendment 429
Angelika Niebler

Proposal for a directive
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Die Mitgliedstaaten stellen sicher, dass Unternehmen, die elektronische Kommunikationsnetze und -dienste, zugehörige Einrichtungen oder zugehörige Dienste anbieten, den nationalen Regulierungsbehörden, den anderen zuständigen Behörden und dem GEREK alle Informationen auch in Bezug auf finanzielle Aspekte zur Verfügung stellen, die diese Behörden benötigen, um eine Übereinstimmung mit den Bestimmungen dieser Richtlinie und oder den auf ihrer Grundlage getroffenen Entscheidungen zu gewährleisten. Die nationalen Regulierungsbehörden sind insbesondere befugt, von diesen Unternehmen die Vorlage von Informationen über künftige Netz- oder Dienstentwicklungen zu fordern, die sich auf die Dienste auf Vorleistungsebene auswirken könnten, die sie Konkurrenten zugänglich machen. Außerdem können sie Informationen über elektronische Kommunikationsnetze und zugehörige Einrichtungen verlangen, die auf lokaler Ebene aufgeschlüsselt und ausreichend detailliert sind, damit die nationale Regulierungsbehörde in der Lage ist, gemäß Artikel 22 die geografische Erhebung durchzuführen und Gebiete mit Netzausbaufizit auszuweisen. Unternehmen, die absichtlich irreführende, fehlerhafte oder unvollständige Auskünfte geben, können von den nationalen Regulierungsbehörden gemäß Artikel 29 sanktioniert werden.

Amendment

Die Mitgliedstaaten stellen sicher, dass Unternehmen, die elektronische Kommunikationsnetze und -dienste, zugehörige Einrichtungen oder zugehörige Dienste anbieten, den nationalen Regulierungsbehörden, den anderen zuständigen Behörden und dem GEREK alle Informationen auch in Bezug auf finanzielle Aspekte zur Verfügung stellen, die diese Behörden benötigen, um eine Übereinstimmung mit den Bestimmungen dieser Richtlinie und oder den auf ihrer Grundlage getroffenen Entscheidungen zu gewährleisten. Die nationalen Regulierungsbehörden sind insbesondere befugt, von diesen Unternehmen die Vorlage von Informationen über künftige Netz- oder Dienstentwicklungen zu fordern, die sich auf die Dienste auf Vorleistungsebene auswirken könnten, die sie Konkurrenten zugänglich machen. Außerdem können sie Informationen über elektronische Kommunikationsnetze und zugehörige Einrichtungen verlangen, die auf lokaler Ebene aufgeschlüsselt und ausreichend detailliert sind, damit die nationale Regulierungsbehörde in der Lage ist, gemäß Artikel 22 die geografische Erhebung durchzuführen und Gebiete mit Netzausbaufizit auszuweisen. Unternehmen, die absichtlich irreführende, fehlerhafte oder unvollständige Auskünfte geben, können von den nationalen Regulierungsbehörden gemäß Artikel 29 sanktioniert werden. ***Im Rahmen dieser Erhebung haben die nationalen***

Regulierungsbehörden, die anderen zuständigen Behörden und GEREK den Grundsatz der Verhältnismäßigkeit zu wahren. Hierbei ist insbesondere zu berücksichtigen, dass Unternehmen, die elektronische Kommunikationsnetze und -dienste, zugehörige Einrichtungen oder zugehörige Dienste anbieten, durch die Erhebung der Informationen keine wettbewerblichen Nachteile erleiden.

Or. de

Justification

Durch die Erhebung der geforderten Informationen dürfen Unternehmen nicht in ihren wettbewerblichen Tätigkeiten beeinträchtigt werden. Die Erhebungen müssen unverhältnismäßig hohen administrativen und bürokratischen Aufwand unbedingt verhindern.

Amendment 430

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that ***undertakings providing electronic communications networks and services associated facilities, or associated services provide all the*** information, including financial information, ***necessary for national regulatory authorities, other competent authorities and BEREC to*** ensure conformity with the provisions of, or decisions made in accordance with, this Directive. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning ***future*** network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to

Amendment

Member States shall ensure that ***national regulatory authorities, other competent authorities and BEREC have legal powers to request*** information, including financial information, ***from all relevant parties necessary to fulfilling their tasks and*** ensure conformity with the provisions of, or decisions made in accordance with, this Directive. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to conduct the geographical survey and to

conduct the geographical survey and to designate digital exclusion areas in accordance with Article 22. ***In accordance with Article 29, national regulatory authorities may sanction undertakings deliberately providing misleading, erroneous or incomplete information.***

designate digital exclusion areas in accordance with Article 22.

Or. en

Justification

NRAs should have legal powers to request information to carry out their duties from any undertaking, whether or not it is defined as Electronic Communication Network/Service provider. This information is particularly relevant for market analyses

Amendment 431 **Martina Werner**

Proposal for a directive **Article 20 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

Die Mitgliedstaaten stellen sicher, dass Unternehmen, die elektronische Kommunikationsnetze und -dienste, zugehörige Einrichtungen oder zugehörige Dienste anbieten, den nationalen Regulierungsbehörden, den anderen zuständigen Behörden und dem GEREK alle Informationen auch in Bezug auf finanzielle Aspekte zur Verfügung stellen, die diese Behörden benötigen, um eine Übereinstimmung mit den Bestimmungen dieser Richtlinie und oder den auf ihrer Grundlage getroffenen Entscheidungen zu gewährleisten. Die nationalen Regulierungsbehörden sind insbesondere befugt, von diesen Unternehmen die Vorlage von Informationen über künftige Netz- oder Dienstentwicklungen zu fordern, die sich auf die Dienste auf Vorleistungsebene auswirken könnten, die sie Konkurrenten zugänglich machen. Außerdem können sie Informationen über elektronische Kommunikationsnetze und zugehörige Einrichtungen verlangen, die auf lokaler Ebene aufgeschlüsselt und

Amendment

Die Mitgliedstaaten stellen sicher, dass Unternehmen, die elektronische Kommunikationsnetze und -dienste, zugehörige Einrichtungen oder zugehörige Dienste anbieten, den nationalen Regulierungsbehörden, den anderen zuständigen Behörden und dem GEREK alle Informationen auch in Bezug auf finanzielle Aspekte zur Verfügung stellen, die diese Behörden benötigen, um eine Übereinstimmung mit den Bestimmungen dieser Richtlinie und oder den auf ihrer Grundlage getroffenen Entscheidungen zu gewährleisten. Die nationalen Regulierungsbehörden sind insbesondere befugt, von diesen Unternehmen die Vorlage von Informationen über künftige Netz- oder Dienstentwicklungen zu fordern, die sich auf die Dienste auf Vorleistungsebene auswirken könnten, die sie Konkurrenten zugänglich machen. Außerdem können sie Informationen über elektronische Kommunikationsnetze und zugehörige Einrichtungen verlangen, die auf lokaler Ebene aufgeschlüsselt und

ausreichend detailliert sind, damit die nationale Regulierungsbehörde in der Lage ist, gemäß Artikel 22 die geografische Erhebung durchzuführen und Gebiete mit Netzausbaudefizit auszuweisen.

Unternehmen, die absichtlich irreführende, fehlerhafte oder unvollständige Auskünfte geben, können von den nationalen Regulierungsbehörden gemäß Artikel 29 sanktioniert werden.

ausreichend detailliert sind, damit die nationale Regulierungsbehörde in der Lage ist, gemäß Artikel 22 die geografische Erhebung durchzuführen und Gebiete mit Netzausbaudefizit auszuweisen.

Or. de

Amendment 432

Anna Záborská, Ivan Štefanec

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that undertakings providing electronic communications networks and services associated facilities, or associated services provide all the information, including financial information, necessary for national regulatory authorities, other competent authorities and BEREC to ensure conformity with the provisions of, or decisions made in accordance with, this Directive. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to conduct the geographical survey ***and to designate digital exclusion areas*** in accordance with Article 22. ***In accordance with Article 29, national regulatory authorities may sanction undertakings***

Amendment

1. Member States shall ensure that undertakings providing electronic communications networks and services associated facilities, or associated services provide all the information, including financial information, necessary for national regulatory authorities, other competent authorities and BEREC to ensure conformity with the provisions of, or decisions made in accordance with, this Directive ***and the Specific Directives***. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to conduct the geographical survey in accordance with Article 22.

*deliberately providing misleading,
erroneous or incomplete information.*

Or. en

Amendment 433

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that undertakings providing electronic communications networks and services associated facilities, or associated services provide all the information, including financial information, necessary for national regulatory authorities, other competent authorities and BEREC to ensure conformity with the provisions of, or decisions made in accordance with, this Directive. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to conduct the geographical survey and to designate digital exclusion areas in accordance with Article 22. ***In accordance with Article 29, national regulatory authorities may sanction undertakings deliberately providing misleading, erroneous or incomplete information.***

Amendment

Member States shall ensure that undertakings providing electronic communications networks and services associated facilities, or associated services provide all the information, including financial information, necessary for national regulatory authorities, other competent authorities and BEREC to ensure conformity with the provisions of, or decisions made in accordance with, this Directive. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to conduct the geographical survey and to designate digital exclusion areas in accordance with Article 22.

Or. en

Justification

NRA's should consider means to promote investments in digital exclusion areas that are suitable for a fast-moving sector, on which roll-out decisions reflect market conditions and technological evolution. We should have some reservations towards a sanction system.

Amendment 434

Kaja Kallas

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that undertakings providing electronic communications networks and services associated facilities, or associated services provide all the information, including financial information, necessary for national regulatory authorities, other competent authorities and BEREC to ensure conformity with the provisions of, or decisions made in accordance with, this Directive. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to conduct the geographical survey and to designate digital exclusion areas in accordance with Article 22. In accordance with Article 29, national regulatory authorities may sanction undertakings deliberately providing misleading, erroneous or incomplete information.

Amendment

Member States shall ensure that undertakings providing electronic communications networks and services associated facilities, or associated services provide all the information, including financial information, necessary for national regulatory authorities, other competent authorities and BEREC to ensure conformity with the provisions of, or decisions made in accordance with, this Directive. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to conduct the geographical survey and to designate digital exclusion areas in accordance with Article 22. In accordance with Article 29, national regulatory authorities may sanction undertakings deliberately providing misleading, erroneous or incomplete information. ***This should not apply to forecasts.***

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 435

Gunnar Hökmark, Krišjānis Kariņš, Bendt Bendtsen

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that undertakings providing electronic communications networks and services associated facilities, or associated services provide all the information, including financial information, necessary for national regulatory authorities, other competent authorities and BEREC to ensure conformity with the provisions of, or decisions made in accordance with, this Directive. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to conduct the geographical survey and to designate digital exclusion areas in accordance with Article 22. ***In accordance with Article 29, national regulatory authorities may sanction undertakings deliberately providing misleading, erroneous or incomplete information.***

Amendment

Member States shall ensure that undertakings providing electronic communications networks and services associated facilities, or associated services provide all the information, including financial information, necessary for national regulatory authorities, other competent authorities and BEREC to ensure conformity with the provisions of, or decisions made in accordance with, this Directive. In particular, national regulatory authorities shall have the power to require those undertakings to submit information concerning future network or service developments that could have an impact on the wholesale services that they make available to competitors. They may also require information on electronic communications networks and associated facilities which is disaggregated at local level and sufficiently detailed for the national regulatory authority to be able to conduct the geographical survey and to designate digital exclusion areas in accordance with Article 22. ***Such information shall facilitate the forecasting of future investments in network deployment and development.***

Or. en

Amendment 436

Angelika Niebler, Markus Pieper

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 4

Text proposed by the Commission

Die Unternehmen legen diese Informationen auf Anfrage umgehend sowie im Einklang mit dem Zeitplan und in den Einzelheiten vor, die verlangt werden. Die angeforderten Informationen müssen in angemessenem Verhältnis zur Wahrnehmung dieser Aufgabe stehen. Die zuständige Behörde begründet ihr Ersuchen um Informationen und behandelt die Informationen nach Maßgabe des Absatzes 3.

Amendment

Die Unternehmen legen diese Informationen auf Anfrage umgehend sowie im Einklang mit dem Zeitplan und in den Einzelheiten vor, die verlangt werden. Die angeforderten Informationen müssen in angemessenem Verhältnis zur Wahrnehmung dieser Aufgabe stehen. Die zuständige Behörde begründet ihr Ersuchen um Informationen und behandelt die Informationen nach Maßgabe des Absatzes 3. ***Hierbei ist insbesondere zu berücksichtigen, dass Unternehmen, die elektronische Kommunikationsnetze und -dienste, zugehörige Einrichtungen oder zugehörige Dienste anbieten, durch die Erhebung der Informationen keine wettbewerblichen Nachteile erleiden.***

Or. de

Justification

Durch die Erhebung der geforderten Informationen dürfen Unternehmen nicht in ihren wettbewerblichen Tätigkeiten beeinträchtigt werden.

Amendment 437

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 20 – paragraph 1 – subparagraph 4

Text proposed by the Commission

Undertakings shall provide such information promptly upon request and in conformity with the timescales and level of detail required. The information requested shall be proportionate to the performance of that task. The competent authority shall ***give the*** reasons justifying its request for information and shall treat the information in accordance with paragraph 3.

Amendment

Undertakings shall provide such information promptly upon request and in conformity with the timescales and level of detail required. The information requested shall be proportionate to the performance of that task. The competent authority shall ***provide the legal basis and*** reasons justifying its request for information and shall treat the information in accordance with paragraph 3.

Amendment 438**José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz****Proposal for a directive****Article 20 – paragraph 3***Text proposed by the Commission*

3. Where information is considered confidential by a national regulatory or other competent authority in accordance with Union and national rules on business confidentiality or the protection of personal data, the Commission, BEREC and the authorities concerned shall ensure such confidentiality. In accordance with the principle of sincere cooperation, national regulatory authorities and other competent authorities shall not deny the provision of the requested information to the Commission, to BEREC or to another authority on the grounds of confidentiality or the need to consult with the parties which provided the information. When the Commission, BEREC or a competent authority undertake to respect the confidentiality of information identified as such by the authority holding it, the latter shall share the information on request for the identified purpose without having to further consult the parties who provided the information.

Amendment

3. Where information is considered confidential by a national regulatory or other competent authority in accordance with Union and national rules on business confidentiality, ***national security*** or the protection of personal data, the Commission, BEREC and the authorities concerned shall ensure such confidentiality. In accordance with the principle of sincere cooperation, national regulatory authorities and other competent authorities shall not deny the provision of the requested information to the Commission, to BEREC or to another authority on the grounds of confidentiality or the need to consult with the parties which provided the information. When the Commission, BEREC or a competent authority undertake to respect the confidentiality of information identified as such by the authority holding it, the latter shall share the information on request for the identified purpose without having to further consult the parties who provided the information. ***However, when confidential information is shared by a national regulatory or a competent authority, the Commission or BEREC, they shall inform the undertakings whose information is shared thereof. This will include at least what information has been shared with whom and when.***

Justification

The provision strengthens the duty to respect confidentiality and the right of the owner of the information to know whom the information has been given to.

Amendment 439

Eva Kaili

Proposal for a directive

Article 20 – paragraph 3

Text proposed by the Commission

3. Where information is considered confidential by a national regulatory or other competent authority in accordance with Union and national rules on business confidentiality or the protection of personal data, the Commission, BEREC and the authorities concerned shall ensure such confidentiality. In accordance with the principle of sincere cooperation, national regulatory authorities and other competent authorities shall not deny the provision of the requested information to the Commission, to BEREC or to another authority on the grounds of confidentiality or the need to consult with the parties which provided the information. When the Commission, BEREC or a competent authority undertake to respect the confidentiality of information identified as such by the authority holding it, the latter shall share the information on request for the identified purpose without having to further consult the parties who provided the information.

Amendment

3. Where information is considered confidential by a national regulatory or other competent authority in accordance with Union and national rules on business confidentiality, ***national security*** or the protection of personal data, the Commission, BEREC and the authorities concerned shall ensure such confidentiality. In accordance with the principle of sincere cooperation, national regulatory authorities and other competent authorities shall not deny the provision of the requested information to the Commission, to BEREC or to another authority on the grounds of confidentiality or the need to consult with the parties which provided the information. When the Commission, BEREC or a competent authority undertake to respect the confidentiality of information identified as such by the authority holding it, the latter shall share the information on request for the identified purpose without having to further consult the parties who provided the information.

Or. en

Amendment 440

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 20 – paragraph 3

Text proposed by the Commission

3. Where information is considered confidential by a national regulatory or

Amendment

3. Where information is considered confidential by a national regulatory or

other competent authority in accordance with Union and national rules on business confidentiality or the protection of personal data, the Commission, BEREC and the authorities concerned shall ensure such confidentiality. In accordance with the principle of sincere cooperation, national regulatory authorities and other competent authorities shall not deny the provision of the requested information to the Commission, to BEREC or to another authority on the grounds of confidentiality or the need to consult with the parties which provided the information. When the Commission, BEREC or a competent authority undertake to respect the confidentiality of information identified as such by the authority holding it, the latter shall share the information on request for the identified purpose without having to further consult the parties who provided the information.

other competent authority in accordance with Union and national rules on business confidentiality, ***national security*** or the protection of personal data, the Commission, BEREC and the authorities concerned shall ensure such confidentiality. In accordance with the principle of sincere cooperation, national regulatory authorities and other competent authorities shall not deny the provision of the requested information to the Commission, to BEREC or to another authority on the grounds of confidentiality or the need to consult with the parties which provided the information. When the Commission, BEREC or a competent authority undertake to respect the confidentiality of information identified as such by the authority holding it, the latter shall share the information on request for the identified purpose without having to further consult the parties who provided the information.

Or. en

Amendment 441
Morten Helveg Petersen

Proposal for a directive
Article 20 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Where information contains personal data, the Commission, BEREC and the authorities concerned shall ensure the compliance of data processing with Union data protection rules.

Or. en

Amendment 442
Kaja Kallas

Proposal for a directive
Article 21 – paragraph 1 – subparagraph 1 – introductory part

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Text proposed by the Commission

Without prejudice to information and reporting obligations under national legislation other than the general authorisation, national regulatory and other competent authorities may only require undertakings to provide information under the general authorisation, for rights of use or the specific obligations referred to in Article 13(2) that is proportionate and objectively justified for:

Amendment

Without prejudice to information and reporting obligations under national legislation other than the general authorisation, national regulatory and other competent authorities may only require undertakings to provide information under the general authorisation, ***in a common and standardised format***, for rights of use or the specific obligations referred to in Article 13(2) that is proportionate and objectively justified for:

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 443

Kaja Kallas

Proposal for a directive

Article 21 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Without prejudice to information and reporting obligations for rights of use and for the specific obligations, where an undertaking provides electronic communication services, other than number-independent interpersonal communication services, in more than one Member state, under a general authorisation, only the regulatory authority that has granted the general authorisation in accordance with article 12 may request information as referred to in paragraph 1. National regulatory authorities of other Member states concerned may request information to the national regulatory authority responsible or to BEREC. BEREC shall facilitate the coordination and exchange of information between

national regulatory authorities, through the exchange of information established pursuant to Article 30 of Regulation [xxxx/xxxx/EC (BEREC Regulation)

Or. en

Justification

In order to facilitate the provision of crossborder services and the free flow of data, there is a necessity to reduce the administrative burdens undertakings have to face as they are currently confronted with different requests in different formats from 28 different administrations, although they provide services that technologically do not rely on borders

Amendment 444

Angelika Niebler, Markus Pieper

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Die nationalen Regulierungsbehörden führen innerhalb von drei Jahren nach dem [Datum der Umsetzung der Richtlinie] eine geografische Erhebung zur Reichweite der breitbandfähigen elektronischen Kommunikationsnetze (im Folgenden „Breitbandnetze“) durch und bringen diese mindestens alle drei Jahre auf den neuesten Stand.

Amendment

Die nationalen Regulierungsbehörden führen innerhalb von drei Jahren nach dem [Datum der Umsetzung der Richtlinie] eine geografische Erhebung zur Reichweite der breitbandfähigen elektronischen Kommunikationsnetze (im Folgenden „Breitbandnetze“) durch und bringen diese mindestens alle drei Jahre auf den neuesten Stand. ***Hierbei ist insbesondere zu berücksichtigen, dass Unternehmen, die elektronische Kommunikationsnetze und -dienste, zugehörige Einrichtungen oder zugehörige Dienste anbieten, durch die Erhebung der Informationen keine wettbewerblichen Nachteile erleiden.***

Or. de

Justification

Durch die Erhebung der geforderten Informationen dürfen Unternehmen nicht in ihren wettbewerblichen Tätigkeiten beeinträchtigt werden.

Amendment 445

Anne Sander, Françoise Grossetête

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 1

Text proposed by the Commission

National regulatory authorities shall conduct a geographical survey of the reach of electronic communications networks capable of delivering broadband ("broadband networks") within three years from [deadline for transposition of the Directive] and shall update it at least every three years.

Amendment

Without prejudice to the measures taken by the competent authorities for the definition and implementation of the relevant public policies, national regulatory authorities shall conduct a geographical survey of the reach of electronic communications networks capable of delivering broadband ("broadband networks") within three years from [deadline for transposition of the Directive] and shall update it at least every three years.

Or. en

Amendment 446

Evžen Tošenovský

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 1

Text proposed by the Commission

National regulatory authorities shall conduct a geographical survey of the reach of ***electronic communications networks capable of delivering broadband*** ("***broadband*** networks") within three years from [deadline for transposition of the Directive] and shall update it at least every three years.

Amendment

National regulatory authorities shall conduct a geographical survey of the reach of ***very high capacity*** networks within three years from [deadline for transposition of the Directive] and shall update it at least every three years.

Or. en

Amendment 447

Anna Záborská, Ivan Štefanec

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

National regulatory authorities shall conduct a geographical survey of the reach of electronic communications networks capable of delivering broadband ("broadband networks") within three years from [deadline for transposition of the Directive] and shall update it at least every three years.

Member States shall conduct a geographical survey of the reach of electronic communications networks capable of delivering broadband ("broadband networks") within three years from [deadline for transposition of the Directive] and shall update it at least every three years.

Or. en

Amendment 448

José Blanco López

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

a) a survey of the current geographic reach of broadband networks within their territory, in particular for conducting the tasks required by **Articles 62 and 65 and by Article 81, as well as for imposing obligations in accordance with Article 66** and for the surveys required for the application of State aid rules; **and**

a) a survey of the current geographic reach of broadband networks within their territory, in particular for conducting the tasks required by Article 81 for the surveys required for the application of State aid rules;

Or. en

Amendment 449

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Theresa Griffin

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

a) a survey of the current geographic reach of broadband networks within their territory, in particular for conducting the tasks required by **Articles 62 and 65 and by Article 81, as well as for imposing obligations in accordance with Article 66**

a) a survey of the current geographic reach of broadband networks within their territory, in particular for conducting the tasks required by Article 81 for the surveys required for the application of State aid rules;

and for the surveys required for the application of State aid rules; **and**

Or. en

Justification

Some member states have experienced limited operator competition for a variety of reasons, which may have influenced the geographic reach of broadband networks. Infrastructure based competition should be largely determined by demand and supply side characteristics, but NRAs should be able to identify digital exclusion areas and apply state aid when market-driven or demand-based solutions have not yielded positive results.

Amendment 450
Kaja Kallas

Proposal for a directive
Article 22 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

a) a survey of the current geographic reach of broadband networks within their territory, in particular for conducting the tasks required by **Articles 62 and 65 and by Article 81**, as well as **for imposing obligations in accordance with Article 66** **and** for the surveys required for the application of State aid rules; and

Amendment

a) a survey of the current geographic reach of broadband networks within their territory, in particular for conducting the tasks required by Article 81, as well as for the surveys required for the application of State aid rules; and

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 451
Evžen Tošenovský

Proposal for a directive
Article 22 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

a) a survey of the current geographic reach of **broadband** networks within their territory, in particular for conducting the

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Amendment

a) a survey of the current geographic reach of **very high capacity** networks within their territory, in particular for

89/159

PE601.017v01-00

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tasks required by Articles 62 and 65 and by Article 81, as well as for imposing obligations in accordance with Article 66 and for the surveys required for the application of State aid rules; and

conducting the tasks required by Articles 62 and 65 and by Article 81, as well as for imposing obligations in accordance with Article 66 and for the surveys required for the application of State aid rules; and

Or. en

Amendment 452

Anna Záborská, Ivan Štefanec

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

a) a survey of the current geographic reach of broadband networks within their territory, in particular for conducting the tasks required by Articles 62 and 65 and by Article 81, as well as for imposing obligations in accordance with Article 66 and for the surveys required for the application of State aid rules; **and**

Amendment

a) a survey of the current geographic reach of broadband networks within their territory, in particular for conducting the tasks required by Articles 62 and 65 and by Article 81, as well as for imposing obligations in accordance with Article 66 and for the surveys required for the application of State aid rules;

Or. en

Amendment 453

Anna Záborská, Ivan Štefanec

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 1

Text proposed by the Commission

a three-year forecast of the reach of broadband networks within their territory, relying on the information gathered in accordance with point (a), where this is available and relevant.

Amendment

deleted

Or. en

Amendment 454

Evžen Tošenovský

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 1

Text proposed by the Commission

Amendment

*a three-year forecast of the reach of
broadband networks within their territory,
relying on the information gathered in
accordance with point (a), where this is
available and relevant.*

deleted

Or. en

Amendment 455

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 1

Text proposed by the Commission

Amendment

a three-year forecast of the reach of
broadband networks within their territory,
relying on the information gathered in
accordance with point (a), where this is
available and relevant.

a three-year forecast, *if considered
necessary by the national regulatory
authority*, of the reach of broadband
networks within their territory, relying on
the information gathered in accordance
with point (a), where this is available and
relevant.

Or. en

Justification

A three-year deployment forecast could be a significant administrative burden in particular for smaller operators, which most of the time are unable to provide this information on a three-year basis. National regulatory authorities should be aware this when considering forecasts.

Amendment 456

José Blanco López

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 1

Text proposed by the Commission

Amendment

a three-year forecast of the reach of broadband networks within their territory, relying on the information gathered in accordance with point (a), where this is available and relevant.

a three-year forecast, ***if considered necessary by the national regulatory authority***, of the reach of broadband networks within their territory, relying on the information gathered in accordance with point (a), where this is available and relevant.

Or. en

Amendment 457

Anne Sander, Françoise Grossetête

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 1

Text proposed by the Commission

a three-year forecast of the reach of broadband networks within their territory, relying on the information gathered in accordance with point (a), where this is available and relevant.

Amendment

a three-year forecast of the reach of ***at least fixed*** broadband networks within their territory, relying on the information gathered in accordance with point (a), where this is available and relevant.

Or. en

Amendment 458

Evžen Tošenovský

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 2

Text proposed by the Commission

This forecast shall reflect the economic prospects of the electronic communications networks sector and investment intentions of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast shall include information on planned deployments by any undertaking or public authority, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the

Amendment

deleted

performance of next-generation access networks. For this purpose, national regulatory authorities shall request undertakings to provide relevant information regarding planned deployments of such networks.

Or. en

Amendment 459

Anna Záborská, Ivan Štefanec

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 2

Text proposed by the Commission

Amendment

This forecast shall reflect the economic prospects of the electronic communications networks sector and investment intentions of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast shall include information on planned deployments by any undertaking or public authority, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the performance of next-generation access networks. For this purpose, national regulatory authorities shall request undertakings to provide relevant information regarding planned deployments of such networks.

deleted

Or. en

Amendment 460

Angelika Niebler, Markus Pieper

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 2

Text proposed by the Commission

Amendment

Diese Vorausschau spiegelt die wirtschaftlichen Aussichten im Bereich der elektronischen Kommunikationsnetze sowie die Investitionsabsichten der Betreiber zum Zeitpunkt der Datenerfassung wider, damit die verfügbare Netzanbindung in verschiedenen Gegenden ermittelt werden kann. Diese Vorausschau enthält Informationen über die Netzausbaupläne aller Unternehmen und Behörden, insbesondere in Bezug auf Netze mit sehr hoher Kapazität und bedeutsame Modernisierungen oder Erweiterungen bestehender Breitbandnetze auf zumindest die Leistungsfähigkeit von Zugangsnetzen der nächsten Generation. Zu diesem Zweck holen die nationalen Regulierungsbehörden von den Unternehmen einschlägige Informationen über den geplanten Ausbau solcher Netze ein.

Diese Vorausschau spiegelt die wirtschaftlichen Aussichten im Bereich der elektronischen Kommunikationsnetze sowie die Investitionsabsichten der Betreiber zum Zeitpunkt der Datenerfassung wider, damit die verfügbare Netzanbindung in verschiedenen Gegenden ermittelt werden kann. Diese Vorausschau enthält Informationen über die Netzausbaupläne aller Unternehmen und Behörden, insbesondere in Bezug auf Netze mit sehr hoher Kapazität und bedeutsame Modernisierungen oder Erweiterungen bestehender Breitbandnetze auf zumindest die Leistungsfähigkeit von Zugangsnetzen der nächsten Generation. Zu diesem Zweck holen die nationalen Regulierungsbehörden ***zunächst öffentlich verfügbare Informationen und im Anschluss*** von den Unternehmen einschlägige Informationen über den geplanten Ausbau solcher Netze ein. ***Hierbei ist insbesondere zu berücksichtigen, dass Unternehmen, die elektronische Kommunikationsnetze und -dienste, zugehörige Einrichtungen oder zugehörige Dienste anbieten, durch die Erhebung der Informationen keine wettbewerblichen Nachteile erleiden.***

Or. de

Justification

Durch die Erhebung der geforderten Informationen dürfen Unternehmen nicht in ihren wettbewerblichen Tätigkeiten beeinträchtigt werden

Amendment 461

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 2

Text proposed by the Commission

This forecast shall reflect the economic prospects of the electronic communications networks sector and investment intentions

Amendment

This forecast, ***if conducted***, shall reflect the economic prospects of the electronic communications networks sector and

of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast shall include information on planned deployments by any undertaking or public authority, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the performance of next-generation access networks. For this purpose, national regulatory authorities **shall** request undertakings to provide relevant information regarding planned deployments of such networks.

investment intentions of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast, **if conducted**, shall include information on planned deployments by any undertaking or public authority, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the performance of next-generation access networks. For this purpose, national regulatory authorities **may** request undertakings to provide relevant information regarding planned deployments of such networks **based on the best information available to them**.

Or. en

Justification

NRA should be able to conduct surveys and gather information about forecasts if necessary.

Amendment 462

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 2

Text proposed by the Commission

This forecast shall reflect the economic prospects of the electronic communications networks sector and investment intentions of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast shall include information on planned deployments by any undertaking or public authority, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the performance of next-generation access networks. For this purpose, national regulatory authorities **shall** request undertakings to provide

Amendment

This forecast, **if conducted**, shall reflect the economic prospects of the electronic communications networks sector and investment intentions of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast, **if conducted**, shall include information on planned deployments by any undertaking or public authority, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the performance of next-generation access networks. For this purpose, national regulatory authorities **may** request undertakings to provide

relevant information regarding planned deployments of such networks.

relevant information regarding planned deployments of such networks ***based on the best information available to them.***

Or. en

Amendment 463
Edouard Martin

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 2

Text proposed by the Commission

This forecast shall reflect the economic prospects of the electronic communications networks sector and investment intentions of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast shall include information on planned deployments by any undertaking or public authority, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the performance of next-generation access networks. For this purpose, national regulatory authorities shall request undertakings to provide relevant information regarding planned deployments of such networks.

Amendment

This forecast shall reflect the economic prospects of the electronic communications networks sector and investment intentions of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast shall include information on planned deployments by any undertaking or public authority, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the performance of next-generation access networks. For this purpose, national regulatory authorities shall request undertakings to provide relevant information regarding planned deployments of such networks ***based on the best information available to them.***

Or. en

Amendment 464
Gunnar Hökmark, Krišjānis Kariņš, Bendt Bendtsen

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2 – point b – paragraph 2

Text proposed by the Commission

This forecast shall reflect the economic prospects of the electronic communications networks sector and investment intentions

Amendment

This forecast shall reflect the economic prospects of the electronic communications networks sector and investment intentions

of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast shall include information on planned deployments **by any undertaking or public authority**, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the performance of next-generation access networks. For this purpose, national regulatory authorities shall **request undertakings to provide relevant** information regarding planned deployments of such networks.

of operators at the time when the data is gathered, in order to allow the identification of available connectivity in different areas. This forecast shall include information on planned deployments, in particular to include very high capacity networks and significant upgrades or extensions of legacy broadband networks to at least the performance of next-generation access networks. For this purpose, national regulatory authorities shall **gather relevant and reasonably available** information regarding planned deployments of such networks.

Or. en

Amendment 465
Anna Záborská, Ivan Štefanec

Proposal for a directive
Article 22 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The information collected in the survey shall be at an appropriate level of local detail and shall include sufficient information on the quality of service and parameters thereof.

Amendment

deleted

Or. en

Amendment 466
Kathleen Van Brempt

Proposal for a directive
Article 22 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The information collected in the survey shall be at an appropriate level of local detail and shall include sufficient information on the quality of service and parameters thereof.

Amendment

The information collected in the survey shall be at an appropriate level of local detail and shall include sufficient information on the quality of service and parameters thereof. ***The national***

regulatory authorities shall treat the collected data with the appropriate level of confidentiality in order to protect sensitive business information and the investment positions of the various market players.

Or. en

Amendment 467

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The information collected in the survey shall be at an appropriate level of local detail and shall include sufficient information on the quality of service and parameters thereof.

Amendment

The information collected in the survey shall be at an appropriate level of local detail and shall include sufficient information on the quality of service and parameters thereof. *National regulatory authorities shall treat the collected information as confidential, shall not make this available to competitors and shall ensure that individual undertaking's plans are in no case determinable.*

Or. en

Amendment 468

Miapetra Kumpula-Natri, Dan Nica, Edouard Martin, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The information collected in the survey shall be at an appropriate level of local detail and shall include sufficient information on the quality of service and parameters thereof.

Amendment

The information collected in the survey shall be at an appropriate level of local detail and shall include sufficient information on the quality of service and parameters thereof. *The information collected in the survey shall be confidential and the national regulatory*

authority shall not make this available to competitors.

Or. en

Justification

Undertakings' network deployment, expansion and upgrade plans are subject to uncertainties and are commercially sensitive and, if disclosed, could afford competitors a significant advantage, potentially leading to the cancellation of such plans. Accordingly, national regulatory authorities must ensure that such confidentiality is preserved and that it is not possible for an undertaking to determine a competitor's plans.

Amendment 469

Eva Kaili

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The information collected in the survey shall be at an appropriate level of local detail and shall include sufficient information on the quality of service and parameters thereof.

Amendment

The information collected in the survey shall be at an appropriate level of local detail and shall include sufficient information on the quality of service and parameters thereof. ***The information collected in the survey shall be confidential and the national regulatory authority shall not make this available to competitors.***

Or. en

Amendment 470

Anna Záborská, Ivan Štefanec

Proposal for a directive

Article 22 – paragraph 2

Text proposed by the Commission

2. National regulatory authorities may designate a "digital exclusion area" corresponding to an area with clear territorial boundaries where, on the basis of the information gathered pursuant to paragraph 1, it is determined that for the

Amendment

deleted

duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a very high capacity network or has significantly upgraded or extended its network to a performance of at least 100 Mbps download speeds, or is planning to do so. National regulatory authorities shall publish the designated digital exclusion areas.

Or. en

Amendment 471
Evžen Tošenovský

Proposal for a directive
Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. *National regulatory authorities may designate a "digital exclusion area" corresponding to an area with clear territorial boundaries where, on the basis of the information gathered pursuant to paragraph 1, it is determined that for the duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a very high capacity network or has significantly upgraded or extended its network to a performance of at least 100 Mbps download speeds, or is planning to do so. National regulatory authorities shall publish the designated digital exclusion areas.* **deleted**

Or. en

Amendment 472
Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive
Article 22 – paragraph 2

Text proposed by the Commission

2. National regulatory authorities may designate a "digital exclusion area" corresponding to an area with clear territorial boundaries where, on the basis of the information gathered pursuant to paragraph 1, it is determined that for the duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a very high capacity network or has significantly upgraded or extended its network to a performance of at least 100 Mbps download speeds, or is planning to do so. National regulatory authorities ***shall*** publish the designated digital exclusion areas.

Amendment

2. National regulatory authorities may designate a "digital exclusion area" corresponding to an area with clear territorial boundaries where, on the basis of the information gathered pursuant to paragraph 1, it is determined that for the duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a very high capacity network or has significantly upgraded or extended its network to a performance of at least 100 Mbps download speeds, or is planning to do so. National regulatory authorities ***may*** publish the designated digital exclusion areas.

Or. en

Justification

The national regulatory authorities may publish information about digital exclusion areas.

Amendment 473

Gunnar Hökmark, Henna Virkkunen, Michał Boni, Krišjānis Kariņš, Bendt Bendtsen

Proposal for a directive

Article 22 – paragraph 2

Text proposed by the Commission

2. National regulatory authorities may designate a "digital exclusion area" corresponding to an area with clear territorial boundaries where, on the basis of the information gathered pursuant to paragraph 1, it is ***determined*** that for the duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a very high capacity network or has significantly upgraded or extended its network to a ***performance of at least 100 Mbps download speeds***, or is planning to do so. National regulatory authorities shall publish the designated digital exclusion areas.

Amendment

2. National regulatory authorities may designate a "digital exclusion area" corresponding to an area with clear territorial boundaries where, on the basis of the information gathered pursuant to paragraph 1, it is ***foreseen*** that for the duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a very high capacity network or has significantly upgraded or extended its network to a ***very high capacity network***, or is planning to do so. National regulatory authorities shall publish the designated digital exclusion areas.

Amendment 474
José Blanco López

Proposal for a directive
Article 22 – paragraph 2

Text proposed by the Commission

2. National regulatory authorities may designate a "digital exclusion area" corresponding to an area with clear territorial boundaries where, on the basis of the information gathered pursuant to paragraph 1, it is determined that for the duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a very high capacity network or has significantly upgraded or extended its network to a performance of at least 100 Mbps download speeds, or is planning to do so. National regulatory authorities ***shall*** publish the designated digital exclusion areas.

Amendment

2. National regulatory authorities may designate a "digital exclusion area" corresponding to an area with clear territorial boundaries where, on the basis of the information gathered pursuant to paragraph 1, it is determined that for the duration of the relevant forecast period, no undertaking or public authority has deployed or is planning to deploy a very high capacity network or has significantly upgraded or extended its network to a performance of at least 100 Mbps download speeds, or is planning to do so. National regulatory authorities ***may*** publish the designated digital exclusion areas.

Amendment 475
Evžen Tošenovský

Proposal for a directive
Article 22 – paragraph 3

Text proposed by the Commission

3. ***Within a designated digital exclusion area, national regulatory authorities may issue a call open to any undertaking to declare their intention to deploy very high capacity networks over the duration of the relevant forecast period. The national regulatory authority shall specify the information to be included in such submissions, in order to ensure at least a similar level of detail as***

Amendment

deleted

that taken into consideration in the forecast envisaged in paragraph 1(b). It shall also inform any undertaking expressing its interest whether the designated digital exclusion area is covered or likely to be covered by an NGA network offering download speeds below 100 Mbps on the basis of the information gathered pursuant to paragraph 1(b).

Or. en

Amendment 476

Anna Záborská, Ivan Štefanec

Proposal for a directive

Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. *Within a designated digital exclusion area, national regulatory authorities may issue a call open to any undertaking to declare their intention to deploy very high capacity networks over the duration of the relevant forecast period. The national regulatory authority shall specify the information to be included in such submissions, in order to ensure at least a similar level of detail as that taken into consideration in the forecast envisaged in paragraph 1(b). It shall also inform any undertaking expressing its interest whether the designated digital exclusion area is covered or likely to be covered by an NGA network offering download speeds below 100 Mbps on the basis of the information gathered pursuant to paragraph 1(b).* *deleted*

Or. en

Amendment 477

Gunnar Hökmark, Henna Virkkunen, Michał Boni, Krišjānis Kariņš, Bendt Bendtsen

Proposal for a directive

Article 22 – paragraph 3

3. Within a designated digital exclusion area, national regulatory authorities may issue a call open to any undertaking to declare their intention to deploy very high capacity networks over the duration of the relevant forecast period. The national regulatory authority shall specify the information to be included in such submissions, in order to ensure at least a similar level of detail as that taken into consideration in the forecast envisaged in paragraph 1(b). It shall also inform any undertaking expressing its interest whether the designated digital exclusion area is covered or likely to be covered by an NGA network offering download speeds below **100 Mbps** on the basis of the information gathered pursuant to paragraph 1(b).

3. Within a designated digital exclusion area, national regulatory authorities may issue a call open to any undertaking to declare their intention to deploy very high capacity networks over the duration of the relevant forecast period. The national regulatory authority shall specify the information to be included in such submissions, in order to ensure at least a similar level of detail as that taken into consideration in the forecast envisaged in paragraph 1(b). It shall also inform any undertaking expressing its interest whether the designated digital exclusion area is covered or likely to be covered by an NGA network offering download speeds below **a very high capacity network** on the basis of the information gathered pursuant to paragraph 1(b).

Or. en

Amendment 478

David Borrelli, Dario Tamburrano

Proposal for a directive

Article 22 – paragraph 3

3. Within a designated digital exclusion area, national regulatory authorities may issue a call open to any undertaking to declare their intention to deploy very high capacity networks over the duration of the relevant forecast period. The national regulatory authority shall specify the information to be included in such submissions, in order to ensure at least a similar level of detail as that taken into consideration in the forecast envisaged in paragraph 1(b). It shall also inform any undertaking expressing its interest whether the designated digital exclusion area is covered or likely to be covered by an NGA network offering download speeds below

3. Within a designated digital exclusion area, national regulatory authorities may issue a call open to any undertaking to declare their intention to deploy **high or** very high capacity networks over the duration of the relevant forecast period. The national regulatory authority shall specify the information to be included in such submissions, in order to ensure at least a similar level of detail as that taken into consideration in the forecast envisaged in paragraph 1(b). It shall also inform any undertaking expressing its interest whether the designated digital exclusion area is covered or likely to be covered by an NGA network offering

100 Mbps on the basis of the information gathered pursuant to paragraph 1(b).

download speeds below 100 Mbps on the basis of the information gathered pursuant to paragraph 1(b).

Or. en

Justification

The call for interest that national regulatory authorities may issue should not be limited to very high-capacity networks, which might be very expensive and too lengthy to deploy in these difficult areas. It should also include "High-Capacity Network" in order to provide at least 30 Mbps connectivity in areas where this type of speed is neither available nor will be in three-year time.

Amendment 479

Anna Záborská, Ivan Štefanec

**Proposal for a directive
Article 22 – paragraph 4**

Text proposed by the Commission

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21. *deleted*

Or. en

Amendment 480

Evžen Tošenovský

**Proposal for a directive
Article 22 – paragraph 4**

Text proposed by the Commission

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to *deleted*

an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.

Or. en

Amendment 481

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive Article 22 – paragraph 4

Text proposed by the Commission

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. *Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.*

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded.

Or. en

Amendment 482

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive Article 22 – paragraph 4

Text proposed by the Commission

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-

undertaking is a priori excluded. ***Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.***

discriminatory procedure, whereby no undertaking is a priori excluded.

Or. en

Justification

The lack of information provided by operators should not be considered as a misleading information, which indirectly enables NRAs to apply penalties to operators concerned by this situation.

Amendment 483

Gunnar Hökmark, Michal Boni, Krišjānis Kariņš, Bendt Bendtsen

Proposal for a directive

Article 22 – paragraph 4

Text proposed by the Commission

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. ***Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.***

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded.

Or. en

Justification

As investment plans are solely decided by the operators, it is disproportionate to argue that failure to provide accurate information on such plans is to be considered as misleading and constitute reason for sanctions by NRAs.

Amendment 484

Anne Sander, Françoise Grossetête

Proposal for a directive

Article 22 – paragraph 4

Text proposed by the Commission

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. ***Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.***

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded.

Or. en

Amendment 485

Barbara Kappel, Lorenzo Fontana, Angelo Ciocca

Proposal for a directive

Article 22 – paragraph 4

Text proposed by the Commission

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent, ***technologically neutral*** and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.

Or. en

Amendment 486

David Borrelli, Dario Tamburrano

Proposal for a directive

Article 22 – paragraph 4

Text proposed by the Commission

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent, ***technologically neutral*** and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.

Or. en

Justification

The call for interest that national regulatory authorities may issue should also be technologically neutral.

Amendment 487

Cora van Nieuwenhuizen

Proposal for a directive

Article 22 – paragraph 4

Text proposed by the Commission

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent, ***technology neutral*** and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph 1(b) or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.

Or. en

Amendment 488

Kaja Kallas

Proposal for a directive
Article 22 – paragraph 4

Text proposed by the Commission

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph ***1(b)*** or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.

Amendment

4. When national regulatory authorities take measures pursuant to paragraph 3, they shall do so according to an efficient, objective, transparent and non-discriminatory procedure, whereby no undertaking is a priori excluded. Failure to provide information pursuant to paragraph ***1(a)*** or to respond to the call for interest pursuant to paragraph 3 may be considered as misleading information pursuant to Articles 20 or 21.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 489
Evžen Tošenovský

Proposal for a directive
Article 22 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that local, regional and national authorities with responsibility for the allocation of public funds for the deployment of electronic communications networks, for the design of national broadband plans, for defining coverage obligations attached to rights of use for radio spectrum and for verifying availability of services falling within the universal service obligation in their territory take into account the results of the surveys and of the designated digital exclusion areas conducted in accordance with paragraphs 1, 2 and 3, and that national regulatory authorities supply such results subject to the

Amendment

deleted

receiving authority ensuring the same level of confidentiality and protection of business secrets as the originating authority. These results shall also be made available to BEREC and the Commission upon their request and under the same conditions.

Or. en

Amendment 490

Anna Záborská, Ivan Štefanec

Proposal for a directive

Article 22 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that local, regional and national authorities with responsibility for the allocation of public funds for the deployment of electronic communications networks, for the design of national broadband plans, for defining coverage obligations attached to rights of use for radio spectrum and for verifying availability of services falling within the universal service obligation in their territory take into account the results of the surveys *and of the designated digital exclusion areas* conducted in accordance with *paragraphs 1, 2 and 3*, and that national *regulatory* authorities supply such results subject to the receiving authority ensuring the same level of confidentiality and protection of business secrets as the originating authority. These results shall also be made available to BEREC and the Commission upon their request and under the same conditions.

Amendment

5. Member States shall ensure that local, regional and national authorities with responsibility for the allocation of public funds for the deployment of electronic communications networks, for the design of national broadband plans, for defining coverage obligations attached to rights of use for radio spectrum and for verifying availability of services falling within the universal service obligation in their territory take into account the results of the surveys conducted in accordance with *paragraph 1* and that national authorities supply such results subject to the receiving authority ensuring the same level of confidentiality and protection of business secrets as the originating authority. These results shall also be made available to BEREC and the Commission upon their request and under the same conditions. [...]

Or. en

Amendment 491

Kaja Kallas

Proposal for a directive

Article 22 – paragraph 6

Text proposed by the Commission

6. National regulatory authorities *may* make available information tools to end-users, in order to assist them to determine the availability of connectivity in different areas, with a level of detail which is useful to support their choice in terms of connectivity services, in line with national regulatory authority's obligations regarding the protection of confidential information and business secrets.

Amendment

6. National regulatory authorities ***shall make data from the geographical surveys that is not subject to confidentiality or protection of business secrets directly accessible online in an open and machine readable format to allow for its reuse and*** make available information tools to end-users, in order to assist them to determine the availability of connectivity in different areas, with a level of detail which is useful to support their choice in terms of connectivity services, in line with national regulatory authority's obligations regarding the protection of confidential information and business secrets.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 492

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 22 – paragraph 6

Text proposed by the Commission

6. National regulatory authorities may make available information tools to end-users, in order to assist them to determine the availability of connectivity in different areas, with a level of detail which is useful to support their choice in terms of connectivity services, in line with national regulatory authority's obligations regarding the protection of confidential information and business secrets.

Amendment

6. ***If the relevant information for end-users is not available on the market,***

national regulatory authorities may make available information tools to end-users, in order to assist them to determine the

availability of connectivity in different areas, with a level of detail which is useful ***and sufficiently comprehensive*** to support their choice in terms of connectivity services, in line with national regulatory authority's obligations regarding the protection of confidential information and business secrets.

Or. en

Amendment 493

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive Article 22 – paragraph 6

Text proposed by the Commission

6. National regulatory authorities may make available information tools to end-users, in order to assist them to determine the availability of connectivity in different areas, with a level of detail which is useful to support their choice in terms of connectivity services, in line with national regulatory authority's obligations regarding the protection of confidential information and business secrets.

Amendment

6. ***If the relevant information for end-users is not available on the market,*** national regulatory authorities may make available information tools to end-users, in order to assist them to determine the availability of connectivity in different areas, with a level of detail which is useful to support their choice in terms of connectivity services, in line with national regulatory authority's obligations regarding the protection of confidential information and business secrets.

Or. en

Justification

End users should have the opportunity to get information about connectivity opportunities. If there is information already available, we should avoid duplication.

Amendment 494

Anna Záborská, Ivan Štefanec

Proposal for a directive Article 22 – paragraph 7

7. ***By [date] in order to contribute to the consistent application of geographical surveys and forecasts, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, issue guidelines to assist national regulatory authorities on the consistent implementation of their obligations under this Article.***

deleted

Or. en

Amendment 495

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 25 – paragraph 1

1. Member States shall ensure that consumers have access to transparent, non-discriminatory, simple, fast, fair and inexpensive out-of-court procedures for their unresolved disputes with undertakings providing publicly available electronic communications services ***other than number-independent interpersonal communications services***, arising under this Directive and relating to the contractual conditions and/or performance of contracts concerning the supply of those networks and/or services. Member States shall enable the national regulatory authority to act as a dispute settlement entity. Such procedures shall comply with the quality requirements set out in Chapter II of Directive 2013/11/EU. Member States may grant access to such procedures to other end-users, in particular micro and small enterprises.

1. Member States shall ensure that consumers have access to transparent, non-discriminatory, simple, fast, fair and inexpensive out-of-court procedures for their unresolved disputes with undertakings providing publicly available electronic communications services, arising under this Directive and relating to the contractual conditions and/or performance of contracts concerning the supply of those networks and/or services. Member States shall enable the national regulatory authority to act as a dispute settlement entity. Such procedures shall comply with the quality requirements set out in Chapter II of Directive 2013/11/EU. Member States may grant access to such procedures to other end-users, in particular micro and small enterprises.

Or. en

Amendment 496

Proposal for a directive
Article 26 – paragraph 1

Text proposed by the Commission

1. Lorsqu'un litige survient en ce qui concerne des obligations existantes découlant de la présente directive, entre des entreprises assurant la fourniture de réseaux ou de services de communications électroniques dans un État membre, ou entre ces entreprises et d'autres entreprises de l'État membre bénéficiant d'obligations d'accès et/ou d'interconnexion ou entre des entreprises assurant la fourniture de réseaux ou de services de communications électroniques dans un État membre et des fournisseurs de ressources associées, l'autorité de régulation nationale concernée prend, à la demande d'une des parties, et sans préjudice du paragraphe 2, une décision contraignante afin de régler le litige dans les meilleurs délais et en tout état de cause dans un délai de quatre mois, sauf dans des circonstances exceptionnelles. L'État membre concerné exige que toutes les parties coopèrent pleinement avec l'autorité de régulation nationale.

Amendment

1. Lorsqu'un litige survient en ce qui concerne des obligations existantes découlant de la présente directive, entre des entreprises assurant la fourniture de réseaux ou de services de communications électroniques dans un État membre, ou entre ces entreprises et d'autres entreprises de l'État membre bénéficiant d'obligations d'accès et/ou d'interconnexion ou entre des entreprises assurant la fourniture de réseaux ou de services de communications électroniques dans un État membre et des fournisseurs de ressources associées, l'autorité de régulation nationale concernée prend, à la demande d'une des parties, et sans préjudice du paragraphe 2, ***et sur la base de lignes directrices et de procédures claires et efficaces***, une décision contraignante afin de régler le litige dans les meilleurs délais, et en tout état de cause dans un délai de quatre mois, sauf dans des circonstances exceptionnelles. L'État membre concerné exige que toutes les parties coopèrent pleinement avec l'autorité de régulation nationale.

Or. fr

Amendment 497
Kaja Kallas

Proposal for a directive
Article 27 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. In cases of crossborder disputes of which the resolution involves more than one national regulatory authority and where competent national regulatory authorities have not been able to reach an agreement within a period of 3 months,

after the case in question was referred to the last of those regulatory authorities, BEREC shall be empowered to adopt binding decisions to ensure a consistent resolution of the dispute.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 498
Pervenche Berès

Proposal for a directive
Article 28 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Les États membres et leurs autorités compétentes veillent à ce que l'utilisation du spectre radioélectrique soit organisée sur leur territoire d'une manière telle qu'aucun autre État membre ne soit empêché, notamment en raison d'un brouillage préjudiciable transfrontalier entre États membres, d'autoriser sur son territoire l'utilisation du spectre radioélectrique *harmonisé* selon la législation de l'Union.

Amendment

Les États membres et leurs autorités compétentes veillent à ce que l'utilisation du spectre radioélectrique soit organisée sur leur territoire d'une manière telle qu'aucun autre État membre ne soit empêché, notamment en raison d'un brouillage préjudiciable transfrontalier entre États membres, d'autoriser sur son territoire l'utilisation du spectre radioélectrique selon la législation de l'Union.

Or. fr

Amendment 499
Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive
Article 28 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States and their competent authorities shall ensure that the use of radio spectrum is organised on their territory in a

Amendment

Member States and their competent authorities shall ensure that the use of radio spectrum is organised on their territory in a

way that no other Member State is impeded, in particular due to cross-border harmful interference between Member States, from allowing on its territory the use of *harmonised* radio spectrum in accordance with Union legislation.

way that no other Member State is impeded, in particular due to cross-border harmful interference between Member States, from allowing on its territory the use of radio spectrum in accordance with Union legislation.

Or. en

Justification

Radio spectrum is used for different types of wireless transmissions such as radio, TV, mobile telecommunications, Wi-Fi, communication satellites, wireless microphones, aeronautical and maritime communications. Not all of these uses are "harmonised" in the meaning of the proposed Directive. In order to ensure all these uses can benefit for the principle of no cross-border harmful interference, it is essential to remove the word 'harmonised' at the end of the first sentence.

Amendment 500

Pervenche Berès

Proposal for a directive

Article 28 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Ils prennent toutes les mesures nécessaires à cet effet, sans préjudice des obligations qui leur incombent au titre du droit international et des accords internationaux applicables, tels que le règlement des radiocommunications de l'UIT.

Amendment

Ils prennent toutes les mesures nécessaires à cet effet, ***en tenant compte de leurs besoins domestiques et*** sans préjudice des obligations qui leur incombent au titre du droit international et des accords internationaux applicables, tels que le règlement des radiocommunications de l'UIT.

Or. fr

Amendment 501

Pervenche Berès

Proposal for a directive

Article 28 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Les États membres coopèrent, *par l'intermédiaire du groupe pour la politique en matière de spectre radioélectrique*, à la coordination transfrontière de l'utilisation du spectre radioélectrique, de manière à:

2. Les États membres coopèrent à la coordination transfrontière de l'utilisation du spectre radioélectrique, de manière à:

Or. fr

Amendment 502

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Edouard Martin

Proposal for a directive

Article 28 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall cooperate with each other, through the Radio Spectrum Policy Group, in the cross-border coordination of the use of radio spectrum in order to:

Amendment

2. Member States shall cooperate with each other, *and* through the Radio Spectrum Policy Group, in the cross-border coordination of the use of radio spectrum in order to:

Or. en

Justification

The Radio Spectrum Policy group (RSPG) is only one way in which Member States cooperate with each other in cross-border coordination.

Amendment 503

José Blanco López

Proposal for a directive

Article 28 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall cooperate with each other, through the Radio Spectrum Policy Group, in the cross-border coordination of the use of radio spectrum in order to:

Amendment

2. Member States shall cooperate with each other, *and* through the Radio Spectrum Policy Group, in the cross-border coordination of the use of radio spectrum in order to:

Or. en

Amendment 504

Kaja Kallas

Proposal for a directive

Article 28 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) contribute to the development of the internal market

Or. en

Amendment 505

Kaja Kallas

Proposal for a directive

Article 28 – paragraph 3

Text proposed by the Commission

Amendment

3. Any Member State concerned as well as the Commission may request the Radio Spectrum Policy Group to use its good offices and, where appropriate, to propose a coordinated solution in an opinion, in order to assist Member States in complying with paragraphs 1 and 2.

3. Any Member State concerned as well as the Commission may request the Radio Spectrum Policy Group to use its good offices and, where appropriate, to propose a coordinated solution in an opinion, in order to assist Member States in complying with paragraphs 1 and 2, ***including where compliance with paragraphs 1 and 2 involves coordination with third countries.***

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 506

Pervenche Berès, Edouard Martin

Proposal for a directive

Article 28 – paragraph 3

Text proposed by the Commission

3. Tout État membre concerné, ***ainsi que la Commission, peuvent*** demander au groupe pour la politique en matière de spectre radioélectrique d'utiliser ses bons offices et, le cas échéant, de proposer dans un avis une solution coordonnée, afin d'aider les États membres à se conformer aux paragraphes 1 et 2.

Amendment

3. Tout État membre concerné ***peut*** demander au groupe pour la politique en matière de spectre radioélectrique d'utiliser ses bons offices et, le cas échéant, de proposer dans un avis une solution coordonnée, afin d'aider les États membres à se conformer aux paragraphes 1 et 2.

Or. fr

Amendment 507

Pervenche Berès

**Proposal for a directive
Article 28 – paragraph 4**

Text proposed by the Commission

4. ***À la demande d'un État membre ou de sa propre initiative, la Commission peut, en tenant le plus grand compte de l'avis du groupe pour la politique en matière de spectre radioélectrique, adopter des mesures d'exécution destinées à résoudre des problèmes de brouillage préjudiciable transfrontalier entre deux États membres ou plus qui les empêchent d'utiliser le spectre radioélectrique harmonisé sur leur territoire. Ces actes d'exécution sont adoptés en conformité avec la procédure d'examen visée à l'article 110, paragraphe 4.***

Amendment

supprimé

Or. fr

Amendment 508

Angelika Niebler, Herbert Reul, Markus Pieper

**Proposal for a directive
Article 28 – paragraph 4**

Text proposed by the Commission

Amendment

(4) *Die Kommission kann auf Antrag eines Mitgliedstaats oder von Amts wegen unter weitestgehender Berücksichtigung der Stellungnahme der Gruppe für Frequenzpolitik*
Durchführungsmaßnahmen erlassen, um grenzüberschreitende funktechnische Störungen zwischen zwei oder mehreren Mitgliedstaaten zu beseitigen, die diese an der Nutzung der harmonisierten Funkfrequenzen in ihrem Hoheitsgebiet hindern. Diese Durchführungsrechtsakte werden nach dem in Artikel 110 Absatz 4 genannten Prüfverfahren erlassen. *entfällt*

Or. de

Justification

Es ist nicht Aufgabe der Europäischen Kommission, grenzüberschreitende funktechnische Störungen zwischen zwei oder mehreren Mitgliedstaaten zu beseitigen, die diese an der Nutzung der harmonisierten Funkfrequenzen in ihrem Hoheitsgebiet hindern. Verantwortlich sind in solchen Fällen die Koordinierungsgruppen der Mitgliedstaaten, beispielsweise die Gruppe für Funkfrequenzpolitik (RSPG).

Amendment 509
Miapetra Kumpula-Natri

Proposal for a directive
Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Right to compensation and liability

Any user who has suffered material or non-material damage as a result of an infringement of this Directive shall have the right to receive compensation from the infringer for the damage suffered, unless the infringer proves that it is not in any way responsible for the event giving rise to the damage.

Or. en

Amendment 510

Proposal for a directive
Article 32 – paragraph 3 – subparagraph 2

Text proposed by the Commission

it shall ***make*** the draft measure ***accessible to the Commission, BEREC, and the national regulatory authorities in other Member States***, at the same time, together with the reasoning on which the measure is based, in accordance with Article 20(3), and inform the Commission, BEREC ***and*** other national regulatory authorities thereof. National regulatory authorities, BEREC and the Commission may make comments to the national regulatory authority concerned only within one month. The one-month period may not be extended.

Amendment

it shall ***publish*** the draft measure, at the same time, together with the reasoning on which the measure is based, in accordance with Article 20(3), and inform the Commission, BEREC, other national regulatory authorities ***and stakeholders*** thereof ***at the same time***. National regulatory authorities, BEREC and the Commission may make comments to the national regulatory authority concerned only within one month. The one-month period may not be extended.

Or. en

Justification

The consultation process has provided for consistent application of SMP regulation and ensures greater consistency than without it. The peer review system works and we should be maintain it. More information during the procedure to stakeholders could enhance transparency.

Amendment 511
David Borrelli, Dario Tamburrano

Proposal for a directive
Article 32 – paragraph 3 – subparagraph 2

Text proposed by the Commission

it shall ***make*** the draft measure ***accessible to the Commission, BEREC, and the national regulatory authorities in other Member States, at the same time***, together with the reasoning on which the measure is based, in accordance with Article 20(3), and inform the Commission, BEREC ***and*** other national regulatory authorities thereof. National regulatory authorities,

Amendment

it shall ***publish*** the draft measure, together with the reasoning ***and detailed analysis*** on which the measure is based, in accordance with Article 20(3), and inform the Commission, BEREC, other national regulatory authorities ***and stakeholders*** thereof ***at the same time***. National regulatory authorities, BEREC and the Commission may make comments to the

BEREC and the Commission may make comments to the national regulatory authority concerned only within one month. The one-month period may not be extended.

national regulatory authority concerned only within one month. The one-month period may not be extended.

Or. en

Justification

The amendment is aimed at ensuring more transparency to the internal market procedures.

Amendment 512

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 32 – paragraph 3 – subparagraph 2

Text proposed by the Commission

it shall make the draft measure accessible to the Commission, BEREC, and the national regulatory authorities in other Member States, at the same time, together with the reasoning on which the measure is based, in accordance with Article 20(3), and inform the Commission, BEREC and other national regulatory authorities thereof. National regulatory authorities, BEREC and the Commission may make comments to the national regulatory authority concerned only within one month. The one-month period may not be extended.

Amendment

it shall make the draft measure accessible to the Commission, BEREC, and the national regulatory authorities in other Member States, at the same time, together with the reasoning *and the detailed analysis* on which the measure is based, in accordance with Article 20(3), and inform the Commission, BEREC and other national regulatory authorities thereof. National regulatory authorities, BEREC and the Commission may make comments to the national regulatory authority concerned only within one month. The one-month period may not be extended.

Or. en

Justification

Adding more detailed analysis will contribute to a better understanding of the grounds the draft measures relies on.

Amendment 513

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda

Proposal for a directive
Article 32 – paragraph 3 – subparagraph 2

Text proposed by the Commission

it shall make the draft measure accessible to the Commission, BEREC, and the national regulatory authorities in other Member States, at the same time, together with the reasoning on which the measure is based, in accordance with Article 20(3), and inform the Commission, BEREC and other national regulatory authorities thereof. National regulatory authorities, BEREC and the Commission may make comments to the national regulatory authority concerned only within **one** month. The **one-month** period may not be extended.

Amendment

it shall make the draft measure accessible to the Commission, BEREC, and the national regulatory authorities in other Member States, at the same time, together with the reasoning on which the measure is based, in accordance with Article 20(3), and inform the Commission, BEREC and other national regulatory authorities **and stakeholders** thereof. National regulatory authorities, BEREC and the Commission may make comments to the national regulatory authority concerned only within **two** month. The **two-months** period may not be extended.

Or. en

Amendment 514

Miapetra Kumpula-Natri, Dan Nica, Flavio Zanonato, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive
Article 32 – paragraph 4 – subparagraph 2

Text proposed by the Commission

and would affect trade between Member States, and the Commission has indicated to the national regulatory authority that it considers that the draft measure would create a barrier to the single market or if it has serious doubts as to its compatibility with Union law and in particular the objectives referred to in Article 3, the draft measure shall not be adopted for a further two months. This period may not be extended. The Commission shall inform other national regulatory authorities of its reservations in such a case.

Amendment

and would affect trade between Member States, and the Commission has indicated to the national regulatory authority that it considers that the draft measure would create a barrier to the single market or if it has serious doubts as to its compatibility with Union law and in particular the objectives referred to in Article 3, the draft measure shall not be adopted for a further two months. This period may not be extended. The Commission shall inform **BEREC, the** other national regulatory authorities **and stakeholders, at the same time**, of its reservations in such a case **and invite stakeholders to provide their observations**.

Or. en

Justification

More information during the procedure to stakeholders could enhance transparency.

Amendment 515

David Borrelli, Dario Tamburrano

Proposal for a directive

Article 32 – paragraph 4 – subparagraph 2

Text proposed by the Commission

and would affect trade between Member States, and the Commission has indicated to the national regulatory authority that it considers that the draft measure would create a barrier to the single market or if it has serious doubts as to its compatibility with Union law and in particular the objectives referred to in Article 3, the draft measure shall not be adopted for a further two months. This period may not be extended. The Commission shall inform other national regulatory authorities of its reservations in such a case.

Amendment

and would affect trade between Member States, and the Commission has indicated to the national regulatory authority that it considers that the draft measure would create a barrier to the single market or if it has serious doubts as to its compatibility with Union law and in particular the objectives referred to in Article 3, the draft measure shall not be adopted for a further two months. This period may not be extended. The Commission shall inform ***BEREC, the*** other national regulatory authorities ***and stakeholders, at the same time***, of its reservations in such a case.

Or. en

Justification

The amendment is aimed at ensuring more transparency to the internal market procedures.

Amendment 516

Edouard Martin

Proposal for a directive

Article 32 – paragraph 4 – subparagraph 2

Text proposed by the Commission

and would affect trade between Member States, and the Commission has indicated to the national regulatory authority that it considers that the draft measure would create a barrier to the single market or if it has serious doubts as to its compatibility with Union law and in particular the

Amendment

and would affect trade between Member States, and the Commission ***or BEREC*** has indicated to the national regulatory authority that it considers that the draft measure would create a barrier to the single market or if it has serious doubts as to its compatibility with Union law and in

objectives referred to in Article 3, the draft measure shall not be adopted for a further two months. This period may not be extended. The Commission shall inform other national regulatory authorities of its reservations in such a case.

particular the objectives referred to in Article 3, the draft measure shall not be adopted for a further two months. This period may not be extended. The Commission *or BEREC* shall inform other national regulatory authorities of its reservations in such a case.

Or. en

Amendment 517
Edouard Martin

Proposal for a directive

Article 32 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Within the two-month period referred to in paragraph 4, the Commission may:

Amendment

Within the two-month period referred to in paragraph 4, the Commission *or BEREC* may:

Or. en

Amendment 518
Edouard Martin

Proposal for a directive

Article 32 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The Commission shall take utmost account of the opinion of BEREC before issuing a decision. The decision shall be accompanied by a detailed and objective analysis of why the Commission considers that the draft measure should not be adopted, together with specific proposals for amending the draft measure.

Amendment

The Commission shall take utmost account of the opinion of BEREC before issuing a decision, *and vice versa*. The decision shall be accompanied by a detailed and objective analysis of why the Commission *or BEREC* considers that the draft measure should not be adopted, together with specific proposals for amending the draft measure.

Or. en

Amendment 519

Proposal for a directive
Article 32 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Within six weeks from the beginning of the two month period referred to in paragraph 4, BEREC shall, acting by a majority of its component members, issue an opinion on the Commission's notification referred to in paragraph 4, indicating whether it considers that the draft measure should be amended or withdrawn and, where appropriate, provide specific proposals to that end. This opinion shall be reasoned and made public.

Or. en

Justification

When measure is withdrawn and re-notified, a new public consultation should begin for transparency reasons.

Amendment 520
Edouard Martin

Proposal for a directive
Article 32 – paragraph 6

Text proposed by the Commission

Amendment

6. Where the Commission has adopted a decision in accordance with paragraph 5, requiring the national regulatory authority to withdraw a draft measure, the national regulatory authority shall amend or withdraw the draft measure within six months of the date of the Commission's decision. When the draft measure is amended, the national regulatory authority shall undertake a public consultation in accordance with the procedures referred to in Article 23, and shall re-notify the amended draft measure to the Commission

6. Where the Commission **or BEREC** has adopted a decision in accordance with paragraph 5, requiring the national regulatory authority to withdraw a draft measure, the national regulatory authority shall amend or withdraw the draft measure within six months of the date of the Commission's **or BEREC's** decision. When the draft measure is amended, the national regulatory authority shall undertake a public consultation in accordance with the procedures referred to in Article 23, and shall re-notify the

in accordance with the provisions of paragraph 3.

amended draft measure to the Commission **and BEREC** in accordance with the provisions of paragraph 3.

Or. en

Amendment 521

Edouard Martin

Proposal for a directive

Article 32 – paragraph 7

Text proposed by the Commission

7. The national regulatory authority concerned shall take the utmost account of comments of other national regulatory authorities, BEREC and the Commission and may, except in cases covered by paragraphs 4 and 5(a), adopt the resulting draft measure and, where it does so, shall communicate it to the Commission.

Amendment

7. The national regulatory authority concerned shall take the utmost account of comments of other national regulatory authorities, BEREC and the Commission and may, except in cases covered by paragraphs 4 and 5(a), adopt the resulting draft measure and, where it does so, shall communicate it to the Commission **and BEREC**.

Or. en

Amendment 522

José Blanco López, Inmaculada Rodríguez-Piñero Fernández, Soledad Cabezón Ruiz

Proposal for a directive

Article 32 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The national regulatory authority may withdraw the proposed draft measure at any stage of the procedure. Thereafter, it shall re-initiate the procedure in accordance with the provisions set out in paragraph 3.

Or. en

Justification

The provision provides clarity and predictability to the process

Amendment 523

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 32 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. The national regulatory authority may withdraw the proposed draft measure at any stage of the procedure.

Or. en

Amendment 524

Edouard Martin

Proposal for a directive

Article 33 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Where an intended measure covered by Article 32(3) aims at imposing, amending or withdrawing an obligation on an operator in application of Article 65 in conjunction with Article 59 and Articles 67 to 74, the Commission may, within the period of one month provided for by Article 32(3), notify the national regulatory authority concerned and BEREC of its reasons for considering that the draft measure would create a barrier to the single market or its serious doubts as to its compatibility with Union law. In such a case, the draft measure shall not be adopted for a further three months following the Commission's notification.

Where an intended measure covered by Article 32(3) aims at imposing, amending or withdrawing an obligation on an operator in application of Article 65 in conjunction with Article 59 and Articles 67 to 74, the Commission **or BEREC** may, within the period of one month provided for by Article 32(3), notify the national regulatory authority concerned and BEREC (**or the Commission**) of its reasons for considering that the draft measure would create a barrier to the single market or its serious doubts as to its compatibility with Union law. In such a case, the draft measure shall not be adopted for a further three months following the Commission's **or BEREC's** notification.

Or. en

Amendment 525

Edouard Martin

Proposal for a directive
Article 33 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. In the case of a notification by BEREC, within six weeks from the beginning of the three month period referred to in paragraph 1, the Commission shall issue an opinion the abovementioned notification, indicating whether it considers that the draft measure should be amended or withdrawn and, where appropriate, provide specific proposals to that end. This opinion shall be reasoned and made public.

Or. en

Amendment 526
Edouard Martin

Proposal for a directive
Article 33 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. If *in its opinion*, BEREC *shares the serious doubts of the Commission*, it shall cooperate closely with the national regulatory authority concerned to identify the most appropriate and effective measure. Before the end of the three month period referred in paragraph 1, the national regulatory authority may:

4. If *the Commission and* BEREC *concur in their opinions*, *they* shall cooperate closely with the national regulatory authority concerned to identify the most appropriate and effective measure. Before the end of the three month period referred in paragraph 1, the national regulatory authority may:

Or. en

Amendment 527
Edouard Martin

Proposal for a directive
Article 33 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) amend or withdraw its draft measure taking utmost account of the Commission's notification referred to in paragraph 1 and of BEREC's *opinion* and advice;

(a) amend or withdraw its draft measure taking utmost account of the Commission's *or BEREC's* notification referred to in paragraph 1 and of *the Commission's and* BEREC's *opinions* and advice;

Or. en

Amendment 528
Edouard Martin

Proposal for a directive
Article 33 – paragraph 5 – introductory part

Text proposed by the Commission

5. The Commission may, within one month following the end of the three month period referred to in paragraph 1 and taking utmost account of the opinion of BEREC if any:

Amendment

5. The Commission *or BEREC* may, within one month following the end of the three month period referred to in paragraph 1 and taking utmost account of the opinion of BEREC (*or of the Commission in the reverse situation*) if any:

Or. en

Amendment 529
Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive
Article 33 – paragraph 5 – point a

Text proposed by the Commission

(a) issue a recommendation requiring the national regulatory authority concerned to amend or withdraw the draft measure, including specific proposals *to that end and providing reasons justifying its recommendation*, in particular where BEREC does not share the serious doubts of the Commission;

Amendment

(a) issue a recommendation requiring the national regulatory authority concerned to amend or withdraw the draft measure *and providing reasons justifying its recommendation*, including specific proposals *for amendment of the draft measure* in particular where BEREC does not share the serious doubts of the Commission;

Or. en

Amendment 530

Angelika Niebler, Markus Pieper, Herbert Reul

Proposal for a directive

Article 33 – paragraph 5 – point c

Text proposed by the Commission

Amendment

c) *einen Beschluss erlassen, in dem sie die nationale Regulierungsbehörde auffordert, den Maßnahmenentwurf zurückzuziehen, wenn das GEREK die ernststen Bedenken der Kommission teilt. Dem Beschluss ist eine detaillierte und objektive Analyse beizufügen, in der begründet wird, warum die Kommission der Auffassung ist, dass der Maßnahmenentwurf nicht angenommen werden sollte, und zugleich konkrete Vorschläge zur Änderung des Maßnahmenentwurfs gemacht werden. In diesem Fall findet das Verfahren gemäß Artikel 32 Absatz 6 entsprechend Anwendung.* **entfällt**

Or. de

Justification

Die Europäische Kommission sollte nicht dazu in der Lage sein, einen solchen Beschluss zu erlassen. Dies würde die Entscheidungsbefugnisse der nationalen Regulierungsbehörden deutlich schwächen.

Amendment 531

Evžen Tošenovský

Proposal for a directive

Article 33 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) *take a decision requiring the national regulatory authority concerned to withdraw the draft measure, where BEREK shares the serious doubts of the Commission. The decision shall be accompanied by a detailed and objective* **deleted**

analysis of why the Commission considers that the draft measure should not be adopted, together with specific proposals for amending the draft measure. In this case, the procedure referred to in Article 32 (6) shall apply mutatis mutandis.

Or. en

Amendment 532
Krišjānis Kariņš

Proposal for a directive
Article 33 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) take a decision requiring the national regulatory authority concerned to withdraw the draft measure, where BEREC shares the serious doubts of the Commission. The decision shall be accompanied by a detailed and objective analysis of why the Commission considers that the draft measure should not be adopted, together with specific proposals for amending the draft measure. In this case, the procedure referred to in Article 32 (6) shall apply mutatis mutandis.

deleted

Or. en

Amendment 533
Edouard Martin

Proposal for a directive
Article 33 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) take a decision requiring the national regulatory authority concerned to withdraw the draft measure, where ***BEREC shares the serious doubts of the Commission***. The decision shall be accompanied by a detailed and objective analysis of why the Commission ***considers***

(c) take a decision requiring the national regulatory authority concerned to withdraw the draft measure, where ***both the Commission and BEREC still oppose the draft measure***. The decision shall be accompanied by a detailed and objective analysis of why the Commission ***and***

that the draft measure should not be adopted, together with specific proposals for amending the draft measure. In this case, the procedure referred to in Article 32 (6) shall apply *mutatis mutandis*.

BEREC consider that the draft measure should not be adopted, together with specific proposals for amending the draft measure. In this case, the procedure referred to in Article 32 (6) shall apply *mutatis mutandis*.

Or. en

Amendment 534

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Flavio Zanonato

Proposal for a directive

Article 33 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Within one month of the Commission issuing the recommendation in accordance with paragraph 5(a) or lifting its reservations in accordance with paragraph 5(b) of this Article, the national regulatory authority concerned shall ***communicate to the Commission and BEREC the adopted final measure.***

Amendment

Within one month of the Commission issuing the recommendation in accordance with paragraph 5(a) or lifting its reservations in accordance with paragraph 5(b) of this Article, the national regulatory authority concerned shall ***withdraw the draft measure or adopt and publish the final measure and inform the Commission, BEREC and other national regulatory authorities and stakeholders thereof.***

Or. en

Justification

When measure is withdrawn an re-notified, a new public consultation should begin for transparency reasons.

Amendment 535

Edouard Martin

Proposal for a directive

Article 33 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Within one month of the Commission issuing the recommendation in accordance

Amendment

Within one month of the Commission ***or BEREC*** issuing the recommendation in

with paragraph 5(a) or lifting its reservations in accordance with paragraph 5(b) of this Article, the national regulatory authority concerned shall communicate to the Commission and BEREC the adopted final measure.

accordance with paragraph 5(a) or lifting its reservations in accordance with paragraph 5(b) of this Article, the national regulatory authority concerned shall communicate to the Commission and BEREC the adopted final measure.

Or. en

Amendment 536

András Gyürk

Proposal for a directive

Article 35

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

We strongly support the objective of strengthening cooperation among Member States, especially within the existing institutional set-up. We note that the peer review platform is already accessible by all RSPG members and provides a forum for an exchange of experience and views on spectrum awards and national assignments.

Amendment 537

Paul Rübig

Proposal for a directive

Article 35 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) in case of individual rights of use for radio spectrum, the selection process, in relation to Article 54;

deleted

Or. en

Amendment 538

Paul Rübig

Proposal for a directive
Article 35 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

**(d) the duration of the rights of use
and the conditions for renewal in line
with Articles 49 and Article 50;** **deleted**

Or. en

Amendment 539
David Borrelli, Dario Tamburrano

Proposal for a directive
Article 35 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

**(e) any measures to promote
competition pursuant to Article 52, when
necessary;**

**(e) any measures to promote
competition pursuant to Article 52, when
necessary, *including non-discriminatory
and technologically neutral wholesale
access obligations*;**

Or. en

Justification

*The amendment is aimed at improving the transparency of the spectrum assignment process
including non-discriminatory wholesale access conditions.*

Amendment 540
Fulvio Martusciello

Proposal for a directive
Article 35 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

**(e) any measures to promote
competition pursuant to Article 52, when
necessary;**

**(e) any measures to promote
competition pursuant to Article 52, when
necessary, *including non-discriminatory
wholesale access obligations*;**

Or. en

Amendment 541

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Flavio Zanonato

Proposal for a directive

Article 35 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) any measures to promote competition pursuant to Article 52, when necessary;

Amendment

(e) any measures to promote competition pursuant to Article 52, when necessary, ***including non-discriminatory wholesale access obligations***;

Or. en

Justification

Fair and non-discriminatory wholesale conditions are important for the enhancing competition and consumer choice, in example through MVNO's presence in the market.

Amendment 542

Michal Boni, Gunnar Hökmark

Proposal for a directive

Article 35 – paragraph 1 – subparagraph 2

Text proposed by the Commission

When adopting these measures, the national regulatory authority shall take into account the relevant national policy objectives set out by the Member State as well as other relevant national measures in regard to the management of radio spectrum in compliance with Union law and shall base its measure on a thorough and objective assessment of the competitive, technical and economic situation of the market.

Amendment

When adopting these measures, the national regulatory authority shall take into account the relevant national policy objectives set out by the Member State as well as other relevant national measures in regard to the management of radio spectrum in compliance with Union law and shall base its measure on a thorough and objective assessment of the competitive, technical and economic situation of the market.. ***It shall also take into account the need to cooperate with other Member States, with the Commission and BEREC in order to ensure a consistent application of the above mentioned powers across the Union. BEREC shall adopt, as soon as practicable following the adoption of this***

Directive, and to the extent necessary update, radio spectrum policy guidelines with a view to defining best practices in relation to the exercise by national regulatory authorities of their powers under the Code.

Or. en

Justification

It is important that notwithstanding the existence of a peer review process, national regulatory authorities cooperate ex ante with the most important stakeholders (in particular, the Commission and BEREC) with a view to defining some common principles in relation to spectrum licensing. BEREC should play a central role in this process and be tasked with the elaboration of common guidelines.

National regulatory authorities should be asked to take the utmost account of BEREC's guidelines.

Amendment 543

Barbara Kappel, Angelo Ciocca, Lorenzo Fontana

Proposal for a directive

Article 35 – paragraph 2

Text proposed by the Commission

Amendment

2. *Where a national regulatory authority intends to take a measure which falls within the scope of paragraph 1 (a) to (g), it shall make the draft measure accessible, together with the reasoning on which the measure is based, to BEREC, the Commission and national regulatory authorities in other Member States, at the same time.* *deleted*

Or. en

Amendment 544

Gunnar Hökmark, Michał Boni, Bendt Bendtsen

Proposal for a directive

Article 35 – paragraph 2

2. Where a national regulatory authority intends to take a measure which falls within the scope of paragraph 1 (a) to (g), it shall make the draft measure accessible, together with the reasoning on which the measure is based, to BEREC, the Commission and national regulatory authorities in other Member States, at the same time.

2. ***In order to facilitate coordination and efficient use of spectrum, also across the borders***, where a national regulatory authority intends to take a measure which falls within the scope of paragraph 1 (a) to (g), it shall make the draft measure accessible, together with the reasoning on which the measure is based, to BEREC, ***the Radio Spectrum Policy Group and*** the Commission and national regulatory authorities in other Member States, at the same time.

Or. en

Amendment 545

Michal Boni, Gunnar Hökmark

Proposal for a directive

Article 35 – paragraph 2

2. Where a national regulatory authority intends to take a measure which falls within the scope of paragraph 1 (a) to (g), it shall make the draft measure accessible, together with the reasoning on which the measure is based, to BEREC, the Commission and national regulatory authorities in other Member States, at the same time.

2. Where a national regulatory authority intends to take a measure which falls within the scope of paragraph 1 (a) to (g), it shall ***take the utmost account of BEREC's radio spectrum policy guidelines***, make the draft measure accessible, together with the reasoning on which the measure is based, to BEREC, the Commission and national regulatory authorities in other Member States, at the same time ***and hold a consultation in accordance with Article 24.***

Or. en

Justification

It is important that notwithstanding the existence of a peer review process, national regulatory authorities cooperate ex ante with the most important stakeholders (in particular, the Commission and BEREC) with a view to defining some common principles in relation to spectrum licensing. BEREC should play a central role in this process and be tasked with the elaboration of common guidelines. National regulatory authorities should be asked to take the utmost account of BEREC's guidelines.

Amendment 546

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 35 – paragraph 2

Text proposed by the Commission

2. Where a national regulatory authority intends to take a measure which falls within the scope of paragraph 1 (a) to (g), it shall make the draft measure accessible, together with the reasoning on which the measure is based, **to** BEREC, the Commission and national regulatory authorities in other Member States, at the same time.

Amendment

2. Where a national regulatory authority intends to take a measure which falls within the scope of paragraph 1 (a) to (g), it shall make the draft measure **publicly available and** accessible, together with the reasoning on which the measure is based, **and inform** BEREC, the Commission and national regulatory authorities in other Member States **thereof** at the same time.

Or. en

Justification

While making draft measure subject to a public consultation could be too burdensome, transparency and information could be useful for market players and internal market.

Amendment 547

Evžen Tošenovský

Proposal for a directive

Article 35 – paragraph 3

Text proposed by the Commission

3. ***Within one month, or a longer period, if the national regulatory authority agrees to extend the deadline, BEREC shall issue a reasoned opinion on the draft measure, which shall analyse whether that measure would be the most appropriate in order to:***

(a) promote the development of the internal market as well as competition and maximise the benefits for the consumer, and overall achieve the

Amendment

deleted

objectives and principles set in Articles 3 and 45(2),

(b) ensure effective and efficient use of radio spectrum; and

(c) ensure stable and predictable investment conditions for existing and prospective radio spectrum users when deploying networks for the provision of electronic communications services which rely on radio spectrum.

The reasoned opinion shall state if the draft measure should be amended or withdrawn. Where appropriate, BEREC shall provide specific recommendations to that end. National regulatory authorities and the Commission may also make comments on the draft decision to the national regulatory authority concerned.

Or. en

Amendment 548

Gunnar Hökmark, Bendt Bendtsen

Proposal for a directive

Article 35 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Within one month, or a longer period, if the national regulatory authority agrees to extend the deadline, BEREC shall issue a reasoned opinion on the draft measure, which shall analyse whether that measure would be the most appropriate in order to:

Amendment

Within one month, or a longer period ***up to three months***, if the national regulatory authority agrees to extend the deadline, BEREC shall issue a reasoned opinion on the draft measure, which shall analyse whether that measure would be the most appropriate in order to:

Or. en

Amendment 549

Kaja Kallas

Proposal for a directive

Article 35 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) promote the development of the internal market as well as competition and maximise the benefits for the consumer, and overall achieve the objectives and principles set in Articles 3 and 45(2),

(a) promote the development of the internal market ***and the crossborder provision of services*** as well as competition and maximise the benefits for the consumer, and overall achieve the objectives and principles set in Articles 3 and 45(2),

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 550

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod

Proposal for a directive

Article 35 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) promote the development of the internal market as well as competition and maximise the benefits for the consumer, and overall achieve the objectives and principles set in Articles 3 and 45(2),

(a) promote the development of the internal market as well as ***ensuring*** competition and maximise the benefits for the consumer, and overall achieve the objectives and principles set in Articles 3 and 45(2),

Or. en

Justification

Promotion of competition is necessary in internal markets for investments and consumer benefits. Peer review should not slow down the allocation of spectrum.

Amendment 551

José Blanco López

Proposal for a directive

Article 35 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) promote the development of the internal market as well as competition and maximise the benefits for the consumer, and overall achieve the objectives and principles set in Articles 3 and 45(2),

(a) promote the development of the internal market as well as **ensuring** competition and maximise the benefits for the consumer, and overall achieve the objectives and principles set in Articles 3 and 45(2),

Or. en

Amendment 552

Michal Boni, Henna Virkkunen, Françoise Grossetête, Anne Sander, Gunnar Hökmark, Jerzy Buzek

Proposal for a directive

Article 35 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the principles of service and technological neutrality and of effective and efficient use of spectrum;

Or. en

Justification

It is important to stress the key condition of efficient use of spectrum and technological neutrality.

Amendment 553

Evžen Tošenovský

Proposal for a directive

Article 35 – paragraph 5

Text proposed by the Commission

Amendment

5. The national regulatory authority concerned shall take utmost account of the opinion of BEREC and of comments made by the Commission and other national regulatory authorities before adopting its final decision. It shall communicate the final decision adopted to BEREC and the Commission.

deleted

Where the national regulatory authority decides not to amend or withdraw the

draft measure on the basis of the reasoned opinion issued pursuant to paragraph 2 of this Article, it shall provide a reasoned justification.

The national regulatory authority concerned may withdraw its draft measure at any stage of the procedure.

Or. en

Amendment 554

Angelika Niebler, Herbert Reul, Markus Pieper

Proposal for a directive

Article 35 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Die jeweilige nationale Regulierungsbehörde trägt der Stellungnahme des GEREK, **sowie den Anmerkungen der Kommission** und der anderen nationalen Regulierungsbehörden weitestgehend Rechnung, bevor sie eine endgültige Entscheidung trifft. Sie teilt dem GEREK und der Kommission ihre endgültige Entscheidung mit.

Amendment

Die jeweilige nationale Regulierungsbehörde trägt der Stellungnahme des GEREK und der anderen nationalen Regulierungsbehörden weitestgehend Rechnung, bevor sie eine endgültige Entscheidung trifft. Sie teilt dem GEREK und der Kommission ihre endgültige Entscheidung mit.

Or. de

Justification

Die nationalen Regulierungsbehörden sollten nur den Stellungnahmen von GEREK und den anderen nationalen Regulierungsbehörden weitestgehend Rechnung tragen.

Amendment 555

Angelika Niebler, Herbert Reul, Markus Pieper

Proposal for a directive

Article 35 – paragraph 7

Text proposed by the Commission

(7) Das GEREK, **die Kommission** und die betreffende nationale Regulierungsbehörde arbeiten eng zusammen, um die am besten geeignete

PE601.017v01-00

Amendment

(7) Das GEREK und die betreffende nationale Regulierungsbehörde arbeiten eng zusammen, um die am besten geeignete und wirksamste Lösung im

144/159

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und wirksamste Lösung im Hinblick auf die in dieser Richtlinie festgelegten Regulierungsziele und -grundsätze zu ermitteln, wobei die Ansichten der Marktteilnehmer und die Notwendigkeit, eine einheitliche Regulierungspraxis zu entwickeln, berücksichtigt werden.

Hinblick auf die in dieser Richtlinie festgelegten Regulierungsziele und -grundsätze zu ermitteln, wobei die Ansichten der Marktteilnehmer und die Notwendigkeit, eine einheitliche Regulierungspraxis zu entwickeln, berücksichtigt werden.

Or. de

Justification

GEREK und die nationalen Regulierungsbehörden sollten in Funkfrequenzfragen eng zusammenarbeiten. Die Europäische Kommission sollte bei diesen Angelegenheiten nur so wenig wie möglich interagieren.

Amendment 556

Kaja Kallas

Proposal for a directive

Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

1. Two or several Member States *may* cooperate with each other and with the Commission and BEREC to meet their obligations under Articles 13, 46 and 54, by jointly establishing the common aspects of an authorisation process and also jointly conducting the selection process to grant individual rights of use for radio spectrum in line, where applicable with any common timetable established in accordance with Article 53. The joint authorisation process shall meet the following criteria:

Amendment

1. ***In cases of significant risks of crossborder harmful interference***, two or several Member States ***shall*** cooperate with each other and with the Commission and BEREC to meet their obligations under Articles 13, 46 and 54, by jointly establishing the common aspects of an authorisation process and also jointly conducting the selection process to grant individual rights of use for radio spectrum in line, where applicable with any common timetable established in accordance with Article 53. ***Any market participant may request the conduction of a joint selection process where providing sufficient supporting evidence that the lack of coordination creates a significant barrier to the internal market.***

The joint authorisation process shall meet the following criteria:

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 557

Michal Boni, Françoise Grossetête, Anne Sander, Gunnar Hökmark

Proposal for a directive

Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

1. Two or several Member States may cooperate with each other and with the Commission and BEREC to meet their obligations under Articles 13, 46 and 54, by jointly establishing the common aspects of an authorisation process and also jointly conducting the selection process to grant individual rights of use for radio spectrum in line, where applicable with any common timetable established in accordance with Article 53. The joint authorisation process shall meet the following criteria:

Amendment

1. Two or several Member States may cooperate with each other and with the Commission and BEREC to meet their obligations under Articles 13, 46 and 54, by jointly establishing the common aspects of an authorisation process and also jointly ***or through the Commission or BEREC and RSPG***, conducting the selection process to grant individual rights of use for radio spectrum in line, where applicable with any common timetable established in accordance with Article 53. The joint authorisation process shall meet the following criteria:

Or. en

Justification

While Member States will retain an important role in this process, they should be given the possibility of empowering the Commission or BEREC with the responsibility of conducting the selection process. In such a case, the Member States will retain the right to grant individual rights, but will do so to the entity selected pursuant to the selection process.

Amendment 558

Michal Boni, Gunnar Hökmark, Françoise Grossetête, Anne Sander

Proposal for a directive

Article 37 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) it shall provide for the manner in which the Member States concerned will

reach a common position for the granting of the individual rights.

Or. en

Justification

It is also important that in addition to the elaboration of a joint set of spectrum award process and conditions Member States also clarify their joint process for the purpose of reaching a common view as to the identity of the spectrum rights holder(s).

Amendment 559

Kaja Kallas

Proposal for a directive

Article 38 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Article s 37, 45, 46(3), 47(3), 53, where *the Commission finds* that divergences in the implementation by the national regulatory authorities or by other competent authorities of the regulatory tasks specified in this Directive may create a barrier to the internal market, *the Commission may, taking the utmost account of the opinion of BEREC, issue a recommendation or a decision on the harmonised application of the provisions in this Directive and in order to further the achievement of the objectives set out in Article 3.*

Amendment

1. Without prejudice to Article s 37, 45, 46(3), 47(3), 53, where **BEREC or a national regulatory authority find** that divergences in the implementation by the national regulatory authorities or by other competent authorities of the regulatory tasks specified in this Directive may create a barrier to the internal market, **and without prejudice to the powers of the Commission, BEREC may** issue a **binding** decision on the harmonised application of the provisions in this Directive, in order to further the achievement of the objectives set out in Article 3, **only upon request from a national regulatory authority or upon a complaint lodged by an undertaking providing electronic communications networks or services in more than one Member State and subject to divergent implementations of this Directive.**

Or. en

Justification

There is a need to simplify the procedure to improve its effectiveness. In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 560
Kaja Kallas

Proposal for a directive
Article 38 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. A decision shall be adopted in the shortest possible time frame and in any case within four months, except in exceptional circumstances, from the referral of the subject matter in accordance with Regulation [xxxx/xxxx/EC (BEREC Regulation)]. The binding decision referred to in paragraph 1 shall be reasoned and addressed to national regulatory authorities concerned.

Or. en

Justification

There is a need to simplify the procedure to improve its effectiveness. In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 561
Kaja Kallas

Proposal for a directive
Article 38 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that national regulatory and other competent authorities *take the utmost account of recommendations* pursuant to paragraph 1 in carrying out their tasks. *Where a national regulatory authority or other competent authority chooses not to follow a recommendation, it shall inform the Commission, giving the reasons for its position.*

2. Member States shall ensure that national regulatory and other competent authorities *implement the decisions taken* pursuant to paragraph 1 in carrying out their tasks.

Justification

There is a need to simplify the procedure to improve its effectiveness. In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 562**Kaja Kallas****Proposal for a directive****Article 38 – paragraph 3 – point a – paragraph 2 – indent 1***Text proposed by the Commission*

- after at least two years following the adoption of a ***Commission Recommendation dealing with the same matter***, and

Amendment

- after at least two years following the adoption of a ***BEREC decision***, and

Or. en

Justification

There is a need to simplify the procedure to improve its effectiveness. In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 563**Kaja Kallas****Proposal for a directive****Article 39 – paragraph 2 – subparagraph 1***Text proposed by the Commission*

Member States shall encourage the use of the standards and/or specifications referred to in paragraph 1, for the provision of services, technical interfaces and/or network functions, to the extent strictly necessary to ensure interoperability of services and to improve freedom of choice for users.

Amendment

Member States shall encourage the use of the standards and/or specifications referred to in paragraph 1, for the provision of services, technical interfaces and/or network functions, to the extent strictly necessary to ensure interoperability of services, ***end-to-end connectivity, facilitation of switching*** and to improve freedom of choice for users.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 564

Pilar del Castillo Vera

Proposal for a directive

Article 39 – paragraph 2 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Any standards referred to in paragraph 1 or this paragraph shall facilitate access as may be required under this Directive where feasible.

Or. en

Justification

Inextricably linked to other amendments

Amendment 565

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Martina Werner

Proposal for a directive

Article 40 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and minimise the impact of security incidents on users and on other networks and services.

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to ***ensure that, when necessary for confidentiality, electronic communications content is encrypted from end-to-end by default, in order to***

prevent and minimise the impact of security incidents on users and on other networks and services.

Or. en

Justification

Encrypting communications content from end to end by default is the best way to effectively minimise the impact of security incidents.

Amendment 566

Eva Kaili

Proposal for a directive

Article 40 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and minimise the impact of security incidents on users and on other networks and services.

Amendment

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to ***ensure that, when necessary for confidentiality, electronic communications content is encrypted from end-to-end by default, in order to*** prevent and minimise the impact of security incidents on users and on other networks and services.

Or. en

Amendment 567

Michel Reimon

on behalf of the Verts/ALE Group

Julia Reda, Marisa Matias, Cornelia Ernst

Proposal for a directive

Article 40 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and minimise the impact of security incidents on users and on other networks and services.

Amendment

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to ***ensure that electronic communications content are encrypted from end-to-end by default, in order to*** appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and minimise the impact of security incidents on users and on other networks and services.

Or. en

Justification

Encrypting communications content from end to end by default is the only way to effectively minimise the impact of security incidents. Any other measure would barely has any effect. Furthermore, such an obligation would be the mere implementation of Directive 2002/58/EC, article 5(1), which prohibits any “kinds of interception or surveillance of communications (...) by persons other than users, without the consent of the users concerned”.

Amendment 568

Kaja Kallas, Marietje Schaake

Proposal for a directive

Article 40 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall

Amendment

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall

ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and minimise the impact of security incidents on users and on other networks and services.

ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to ***ensure that electronic communications content are encrypted from end-to-end by default, in order to*** prevent and minimise the impact of security incidents on users and on other networks and services.

Or. en

Justification

In accordance with rule 104 of the rules of procedure, this amendment is necessary for pressing reasons related to the internal logic of the text

Amendment 569

Evžen Tošenovský

Proposal for a directive

Article 40 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and minimise the impact of security incidents on users and on other networks and services.

Amendment

1. Member States shall ensure that undertakings providing public communications networks or publicly available ***number-based*** electronic communications services take appropriate technical and organisational measures to appropriately manage the risks posed to security of networks and services. Having regard to the state of the art, these measures shall ensure a level of security appropriate to the risk presented. In particular, measures shall be taken to prevent and minimise the impact of security incidents on users and on other networks and services.

Or. en

Amendment 570

Kaja Kallas, Marietje Schaake

Proposal for a directive

Article 40 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall not impose any obligation to undertakings providing public communications networks or publicly available electronic communications services that would result in the weakening of the security of their networks and services.

Or. en

Amendment 571

Evžen Tošenovský

Proposal for a directive

Article 40 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services notify without undue delay the competent authority of a ***breach of security*** that has had a significant impact on the operation of networks or services.

Amendment

Member States shall ensure that undertakings providing public communications networks or publicly available electronic communications services notify without undue delay the competent authority of a ***security incident*** that has had a significant impact on the operation of networks or services.

Or. en

Amendment 572

Evžen Tošenovský

Proposal for a directive

Article 40 – paragraph 3 – subparagraph 2 – point d

Text proposed by the Commission

(d) the extent to which the functioning of the service is disrupted;

Amendment

(d) the extent to which the functioning of the ***network or*** service is disrupted;

Or. en

Amendment 573
Kaja Kallas, Marietje Schaake

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 2 – point e

Text proposed by the Commission

Amendment

(e) the impact on economic and societal activities. *deleted*

Or. en

Justification

There is a need to align these provisions with the NIS directive

Amendment 574
Evžen Tošenovský

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 2 – point e

Text proposed by the Commission

Amendment

(e) the impact on economic and societal activities. *deleted*

Or. en

Amendment 575
Miapetra Kumpula-Natri

Proposal for a directive
Article 40 – paragraph 3 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that in case of a particular risk of a security incident in public communications networks or publicly available electronic communications services providers of such networks or services shall inform their end-users of such a risk and of any possible protective measures or remedies which can be taken by the end-users.

Amendment 576

Evžen Tošenovský

Proposal for a directive

Article 40 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission, shall be empowered to adopt delegated acts in accordance with Article 109 with a view to specifying the measures referred to in paragraphs 1 and 2, including measures defining the circumstances, format and procedures applicable to notification requirements. The delegated acts shall be based on European and international standards to the greatest extent possible, and shall not prevent Member States from adopting additional requirements in order to pursue the objectives set out in paragraphs 1 and 2.

deleted

Amendment 577

Kaja Kallas, Marietje Schaake

Proposal for a directive

Article 40 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission, shall be empowered to adopt delegated acts in accordance with Article 109 with a view to specifying the measures referred to in paragraphs 1 and 2, including measures defining the circumstances, format and procedures applicable to notification requirements. The delegated acts shall be based on European and international standards to the greatest extent possible, and shall not prevent Member States from adopting additional requirements in order

5. The Commission, shall be empowered to adopt delegated acts in accordance with Article 109 with a view to specifying the measures referred to in paragraphs 1 and 2, including measures defining the circumstances, format and procedures applicable to notification requirements. The delegated acts shall be based on European and international standards to the greatest extent possible, and shall not prevent Member States from adopting additional requirements in order

to pursue the objectives set out in paragraphs 1 and 2.

to pursue the objectives set out in paragraphs 1 and 2. ***Where Member States impose additional requirements on undertakings providing public communications networks or publicly available electronic communications services in more than one Member state, they should notify these measures to the Commission and ENISA. ENISA shall assist Member states in coordinating the measures taken to avoid duplication or diverging requirements that may create security risks and barriers to the internal market.***

Or. en

Amendment 578
Kaja Kallas, Marietje Schaake

Proposal for a directive
Article 40 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. By ...[date] in order to contribute to the consistent application of measures for the security of networks and services, ENISA, shall, after consulting stakeholders and in close cooperation with the Commission and BEREC issue guidelines on minimum criteria and common approaches for the security of networks and services and the promotion of the use of end-to-end encryption.

Or. en

Amendment 579
Evžen Tošenovský

Proposal for a directive
Article 41 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that in order to implement Article 40, the competent authorities have the power to issue binding instructions, including those regarding the measures required to remedy a breach and time-limits for implementation, to undertakings providing public communications networks or publicly available electronic communications services.

1. Member States shall ensure that in order to implement Article 40, the competent authorities have the power to issue binding instructions, including those regarding the measures required to ***prevent or*** remedy a breach and time-limits for implementation, to undertakings providing public communications networks or publicly available electronic communications services.

Or. en

Amendment 580

Miapetra Kumpula-Natri, Dan Nica, Zigmantas Balčytis, Victor Negrescu, Carlos Zorrinho, Jeppe Kofod, Martina Werner, Flavio Zanonato

Proposal for a directive Article 41 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the competent authorities have all the powers necessary to investigate cases of non-compliance and the effects thereof on the security of the networks and services.

Amendment

3. Member States shall ensure that the competent authorities have all the powers necessary to investigate cases of non-compliance and the effects thereof on the security of the networks and services, ***and that undertakings providing public communications networks have a responsibility to react to cybersecurity incidents caused by hijacked devices;***

Or. en

Justification

The (IoT) devices connected to internet have in general been weak to counter security incidents and are a common instrument used for cyberattacks. Member states must ensure that also telecommunication providers exercise address hygiene.

Amendment 581

Eva Kaili

Proposal for a directive Article 41 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the competent authorities have all the powers necessary to investigate cases of non-compliance and the effects thereof on the security of the networks and services.

Amendment

3. Member States shall ensure that the competent authorities have all the powers necessary to investigate cases of non-compliance and the effects thereof on the security of the networks and services, ***and that undertakings providing public communications networks have a responsibility to react to cybersecurity incidents caused by hijacked devices;***

Or. en

Amendment 582
Patrizia Toia

Proposal for a directive
Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States may allow the competent authority to impose fees for the rights of use for radio spectrum or rights to install facilities on, over or under public or private property that are used for the provision of electronic communications services or networks and associated facilities which ensure the optimal use of these resources. Member States shall ensure that such fees shall be objectively justified, transparent, non-discriminatory and proportionate in relation to ***their*** intended purpose and shall take into account the objectives in Articles 3, 4 and 45(2), as well as:

Amendment

1. Member States may allow the competent authority to impose fees for the rights of use for radio spectrum or rights to install facilities on, over or under public or private property that are used for the provision of electronic communications services or networks and associated facilities which ensure the optimal use of these resources. Member States shall ensure that such fees shall be objectively justified, transparent, non-discriminatory and proportionate in relation to ***the actual intended purpose of the use of the radio spectrum rights*** and shall take into account the objectives in Articles 3, 4 and 45(2), as well as:

Or. en